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INSTRUCTIONS

—TO—

ELECTION OFFICERS AND VOTERS.

PREPARED BY THE SECRETARY OF STATE.

It is made the duty of the Secretary of State, in sending out this chapter embracing the new election law, to print "all necessary forms and instructions to assist election officers to carry its provisions into effect." County officers should, however, read the entire law carefully and familiarize themselves with its contents.

Each county, in proportion to its population, will receive its quota of this chapter through the county clerks. Officers of election are to be appointed at the August term of each county court, for a period of one year, and these should be supplied immediately thereafter by the county clerk, in order that they may familiarize themselves with their duties.

It is not deemed essential to give a detailed synopsis of the election bill, but merely to note the steps necessary to be taken by the various officers who are to perform duties in elections, and to note particularly their duties wherein the new law differs materially from the old.

DUTIES OF THE COUNTY COURT.

The county court of each county shall, on or before the August term of said court, divide the justices' districts into election precincts and establish the name or number, boundaries and place of voting, as prescribed in article 2, section 1443. At the August term the county court shall select the election officers. (See article 3, section 1447.)

No person shall be eligible as an election officer who has any thing of value bet or wagered on the result of the election, or who is a candidate to be voted for at such election, or who is unable to read and write the English language. (See article 3, section 1448.)

DUTIES OF SHERIFF.

The sheriff shall give written notice to the officers of election of their selection by the county court. (See article 3, section 1449.)

If the office of sheriff is vacant, or if the sheriff or his deputy is a candidate at any election, the duties imposed upon the sheriff shall be performed by the coroner, or in his absence or candidacy, by some person appointed by the county judge. (See article 3, section 1451.)

It shall be the duty of the sheriff to secure in each election precinct a suitable room in which to hold the election, and to provide therein a sufficient number of booths or compartments in which voters shall mark their ballots. (For full description of these booths see article 3, section 1467.)

He shall also provide ballot-boxes as prescribed in article 3, section 1468.

DUTIES OF COUNTY CLERK.

In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all or any State, district, county or municipal officers, except school trustees and other common school district elections, the voting shall be by secret official ballots. It shall be the duty of the county clerk to prepare these ballots, which shall conform to the model described in article 3, section 1460.

He shall cause to be printed thereon the names of the candidates nominated by the convention or primary elections of the various political parties, and also those who may be petitioned for as provided in article 3, sections 1453 and 1454.

In preparing the ballots the county clerk shall cause such candidates' names to be printed under some suitable device or title, and arrange the names composing the various tickets in parallel columns in such order as the Secretary of State may direct, preference being given to the ticket casting the largest vote at the preceding election. The device of each party shall be inclosed in a square of not less than one inch on each side, and shall be placed at the head of the list of candidates of the party. Immediately under it shall be placed the name or title of the party ticket; and immediately under the name or title the list of candidates of the party, the name of each candidate having immediately on its right a small square, large enough to contain the cross-mark by which the voter is required to designate his vote. Underneath the

name of each candidate shall be left a blank space large enough to contain a written name. The devices selected by the various parties and heretofore certified to county clerks by the Secretary of State shall remain as the device of said party tickets until changed by the request of a subsequent State convention of said party. (See article 3, section 1453.)

The county clerk shall cause to be printed, bound and ready for distribution, not less than three days before an election, one book of stubs and ballots, as described above, for each voting precinct, and to distribute same within such three days to the various clerks of such election, and also provide a sufficient number of black ink stencils, sample ballots and cards of instructions. (See article 3, section 20.)

County clerks should note that the *fac simile* of their signature must be printed on the back of each ballot. This must be secured from some engraver in ample time for the printing of the ballots.

In all elections by voters of the entire State, the Secretary of State will furnish to the county clerks the names of all candidates entitled to have their names printed on the official ballots, the device under which same shall be printed, and the order in which same shall be arranged. In elections where there are no officers to be elected by voters of the entire State, the certificates or petitions of nomination shall be furnished by the proper parties to the county clerks of the counties in which the election is to be held.

Cards of instructions must be provided by the county clerks for the guidance of voters in preparing their ballots. (See article 3, section 1466.) These cards should be printed in bold Roman type, not smaller than great primer. Eight of these shall be furnished for each election precinct. For the convenience of clerks the following form is suggested:

INSTRUCTIONS TO VOTERS.

1. Any person desiring to vote must enter the voting-room and give his name and residence, if requested, to the clerk. If he is entitled to vote, the clerk shall then give him one ballot, to be indorsed by the clerk's name in writing, and shall give explanation of the manner of voting on request of the voter.

2. After receiving the ballot, the voter must forthwith retire alone to one of the voting booths and prepare his ballot by making a cross-mark in the square opposite the name of the candidate of his choice. A stencil with a X (cross) thereon will be provided in each voting booth for the voter. In case of a question submitted to the vote of the people, the cross-mark should be marked against the answer which the voter desires to

give. Should the voter desire to vote for each and every candidate of one party he shall stamp the cross-mark in the large square at the top of the ballot containing the device or emblem under which the names of all candidates of the said party are printed, and the vote so marked shall be counted for all the candidates under that title. Except that when so marked the voter may make the cross-mark after the name of one or more candidates of any other parties, and this vote shall be counted for the candidate so marked, and shall not be counted for the candidate for the same office on the ticket of the party first marked.

If the voter mark more names than there are persons to be elected to an office, his vote shall not be counted for that office. The voter may vote for any qualified person for an office to be filled. A blank line is provided under the name of every candidate printed on the ballot. The voter can write, in black pencil mark, on this blank line the name of the person for whom he desires to vote, and shall stamp the cross-mark in the square opposite on the right, but no printed name should be marked out.

3. A voter who declares on oath that he is blind or can not read the English language, or who, from physical disability, is unable to mark his ballot, may apply to the clerk of the election to assist him in marking the same.

4. The voter, before leaving the booth, shall fold his ballot so that the indorsements and the *fac simile* of the signature of the county clerk and the signature of the election clerk shall be exposed, while the cross-marks showing how he voted must be concealed.

5. The voter must not occupy the voting booth more than three minutes in marking his ballot. He will then hand his ballot, properly folded, to one of the judges of election, who, after detaching the secondary stub which bears the voter's name, will deposit the ballot in the ballot-box.

6. The voter must then promptly leave the voting-room, and shall not be allowed to re-enter it during said election.

7. If a voter should spoil or deface a ballot by mistake, so that it can not be used, he may return it to the clerk of election, and in place thereof receive one other ballot. If he does not vote a ballot delivered to him by the clerk, he shall return it to the clerk before leaving the voting-room. Any voter who shall attempt to leave the room with a ballot in his possession, shall at once be arrested on demand of either of the judges, and shall be fined therefor not less than twenty-five nor more than one hundred dollars.

8. Voters and officers of election should specially heed the following provisions of the election law:

ARTICLE III, SECTION 1482.

“When the polls are closed the officers of election shall, in the voting-room, immediately count the votes, and certify the same as hereinafter provided; and no adjournment shall be had until the same is completed. When the result of the ballot is ascertained, it shall be immediately announced by one of the judges in front of the voting-room, and thereupon the judges shall, in the presence of the clerk, sheriff and the inspectors provided for in the preceding section, destroy the ballots voted, mutilated or spoiled, and the ballots remaining unvoted: *Provided*, That if there are any ballots cast and counted, or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be

destroyed, but sealed up and returned to the clerk of the county court with the returns of the election, for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and, if counted, what part, and for whom."

ARTICLE XIII, SECTION 1566.

"Any person who shall knowingly and willfully remove or attempt to remove a ballot from the election-room, or have in his possession outside the election-room any ballot, either genuine or counterfeit, during the election, shall be guilty of felony, and, on conviction, shall be imprisoned in the penitentiary not less than two nor more than five years.

"§ 1567. If any person shall take or remove in any manner, feloniously or with the consent or permission of the custodian for the time, any official ballot or ballots, from any place where they may lawfully be under this law, shall knowingly and willfully have in his custody or possession such ballots, except as an official or custodian under the law, or while within the polling place for the purpose of voting; or if any such custodian or official shall consent to, or permit any of such ballots to be removed or carried away from the place where they may lawfully be, by any person except such official or custodian whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than three nor more than ten years.

"§ 1568. Any person who shall, during the election, knowingly and willfully remove or destroy any of the supplies or other conveniences placed in the booths for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth, or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail for not less than six months nor more than one year."

REGISTRATION.

In cities of the first, second, third and fourth classes a registration of all qualified voters in such cities and towns shall be held on the first Tuesday in October, and on such other days as the city councils of such cities may prescribe, the last, however, to be not later than the third Tuesday in October. It shall be the duty of the county clerk of each county where a city of such class is situated, to furnish registration books, and the election officers for the precincts embraced in such cities shall hold such registration, and the persons so registered as prescribed, shall be the legal voters for such city. (See article 4.)

DUTIES OF ELECTION OFFICERS.

The polls must be opened at 7 o'clock A. M., and closed at 4

o'clock P. M. Election officers shall be promptly on hand to open the polls at the first named hour. If any of the officers appointed fail to attend, or refuse to act, the other officers shall choose some suitable person to act in his stead. Before receiving the ballot of any voter, the officers of election shall cause to be proclaimed that such election is opened.

No person but the election officers shall remain within fifty feet of the polls except when voting: *Provided, however,* That each political party may have one challenger, duly sworn, to remain in the room, to be selected as provided in article 3, section 1470.

When a voter presents himself the clerk shall write upon the main stub the name and residence of such voter. He shall also write the voter's name [and registered number in towns where registration is required] upon the secondary stub. He shall then detach the ticket from the main stub, leaving the secondary stub attached to the ticket, and shall write his own name on the back thereof and deliver said ticket to voter. He shall, also, when requested, give explanation of the manner of voting.

When the voter shall have prepared his ballot and folded it as prescribed in article 3, section 1472, he shall deliver same to one of the judges, who shall, after detaching the secondary stub, drop the ballot in the ballot-box.

Election officers shall preserve all the secondary stubs until the close of the polls, and shall then destroy them before the ballot-box is opened.

Election officers must see that all ballots delivered to voters shall be returned, and should a ballot be spoiled or defaced by a voter, it shall not be destroyed, but the clerk shall write the word "Spoiled" on the stub and ballot.

The clerk shall assist the voter, who is laboring under disabilities, in preparing his ballot, as provided in article 3, section 1475.

When the polls are closed, the officers of election shall immediately count the vote, as provided in article 3, section 1482, announce the same in front of the voting-room, and certify the result, as provided in section 1483.

JOHN W. HEADLEY,
Secretary of State.

CHAPTER 41.

(Act June 30, 1892.)

ELECTIONS.

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ARTICLE I.

General Provisions.

§ 1437. **Meaning of the word election.** Whenever in this chapter the word “election,” or an equivalent expression, is used in reference to a State, district, county or municipal election, it shall be deemed to include the decision of questions submitted to the qualified voters as well as the choice of officers by them.

§ 1438. **Powers of sheriff, deputies and acting officers.** Whenever a duty is imposed upon or a power confided to a sheriff in reference to an election, the same shall apply to any other officer or person acting as such concerning an election, and to the deputies of the sheriff, such other officer or person, in the same manner as if the duty were imposed upon or the power confided expressly to such other officer, person or deputies, except that, in canvassing the returns or giving the casting vote in the election of a county judge to fill a vacancy, no deputy shall act without the express written authority of the principal.

§ 1439. **Qualification of voters.** Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days next preceding the election, is a voter in said precinct and not elsewhere; but the following persons are excepted, and shall not have the right to vote:

1. Persons convicted in any court of competent jurisdiction of treason or felony or bribery in an election, or of such high misdemeanor as the General Assembly may declare, shall operate as an exclusion from the right

§ 1437. **Election — meaning of term.** The word “election,” in its constitutional sense, is used to designate a selection by the popular voice of a district, county, town or city, or by some organized body, in contradistinction to the appointment by some single person or officer. *Police Com’rs v. City of Louisville*, 3 Bush, 597; *Speed v. Crawford*, 3 Met., 207.

§ 1439. (1) **Naturalization.** A person of foreign birth, who made his declaration of intention to become a citizen in 1870, and had resided in the State and exercised without question the right of suffrage, was held entitled to vote in 1890, although no order admitting him to citizenship was ever made. *Cowan v. Prowse*, 14 Law Rep., 273; and see *Morgan v. Dudley*, 18 B. M., 693.

of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons. (*See U. S. naturalization law, page 32.*)

§ 1440. **Soldiers, seamen and marines—not deemed residents.** No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same; nor shall any such soldier, seaman or marine have the right to vote. Con s 146

§ 1441. **Municipal elections—payment of poll-tax.** At all municipal elections, where the charter of a municipality requires the payment of a poll-tax as a prerequisite to vote, the payment of said tax shall be a condition precedent to said right. Act 92

§ 1442. **Definition of “officers of election.”** “Officer of election,” as used in this chapter, means a judge, clerk or sheriff, or person acting as sheriff at an election, also a member of the board for canvassing the returns. G S c 32, s 1, 3

ARTICLE II.

Precincts.

§ 1443. **Election precincts—number of voters in—redivision—change of voting place.** The county court of each county in this State shall, on or before the August term of said courts, divide the justices' districts of each of said counties into election precincts, and establish the name or number and boundaries of same, and place of voting in each precinct. There shall be but one voting place in a precinct. Each precinct shall contain, as nearly as practicable, three hundred voters, based on the number of votes cast at the last election for Presidential electors; but no precinct shall contain more than three hundred and fifty voters. If at any election hereafter more than three hundred and fifty votes shall be cast at any voting place, it shall be the duty of the sheriff of the election in such precinct to report the same to the county court, which shall, at its next regular term divide such precinct as equally as possible, so that the new precincts formed thereof shall each contain three hundred voters, as nearly as practicable. If, for any good cause, an election can not be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change and posted notice of the same on said house. G S c 33, s 1, 2

§ 1444. **Power of county court to change boundaries or divide precincts.** The county court of any county may change the boundaries of any precinct

(2) **Persons disfranchised by crime.** Under Constitution of 1849, persons convicted of bribery, perjury, forgery, or other crimes or high misdemeanors, were excluded from the right of suffrage. *Anderson v. Winfree*, 85

Ky., 597; *Cowan v. Prowse*, 14 Law Rep., 273; but under present Constitution persons convicted of any felony are excluded.

§ 1444. **Changing precinct lines.** The court may change the boundary of voting pre-

within such county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change any place of holding elections whenever public convenience or the public good may require it: *Provided*, That no such change, division or consolidation shall be made after the June term of each court next preceding an election:

G S c 33, s 2, s 3 *And provided further*, That no such change, division or consolidation shall be valid without giving due notice, at least one month before any election, by one publication in the newspaper published in said county having the largest circulation therein or by posters put up in four of the most public places in said precinct: *And provided further*, That no precinct shall be enlarged so as to contain more than three hundred and fifty voters.

§ 1445. **Towns or cities with corporate limits in several counties—ballots—mode of conducting and certifying election.** In any town or city of the fifth or sixth class, where corporate limits include parts of two or more counties, the clerk of the county court of each of such counties, in addition to the ballots prepared for the State, county, district or precinct elections, shall prepare a ballot-book of similar form and requisites, for the use of voters who reside in that part of such town or city that lies in his county, at every election at which municipal officers for such town or city are required to be chosen, or at which any question is to be submitted to the voters of such town or city. Only the names of such persons as are candidates for municipal offices in such town or city, or questions submitted to the voters of such town or city, shall be placed or printed on said ballots, and then only in conformity with, and in pursuance of, the regulations of this chapter, or other laws relating to the preparation of ballots and applicable to the election at which they are to be used. The officers

of the election of the county precinct embracing a part of the **Act Mch 15, 94** territory within the corporate limits of such town or city, in addition to the ballots for State, county, district or precinct, shall furnish to each voter residing in such town or city, and entitled to vote at the precinct for municipal officers, or upon a municipal question submitted to the voters of such town or city, a ballot prepared as herein provided for such municipal election, which ballot the voter will mark and fold in the same manner and at the same time, and deliver to the proper officer of the election in the same manner and at the same time as is required in respect to the State, county, district or precinct ballots, and the same shall be deposited by the officer in the ballot-box with the other ballots. The officers of the election shall count and dispose of such municipal ballots at the same time, and shall certify and return the result thereof in the same manner as of the other ballots. It shall be the duty of the canvassing board of elections of the respective counties embracing parts of such town or city, to make duplicate written certificates over their sig-

cincts, but can not change the voting place of a citizen from one precinct to another without making any change in the boundary of the precincts. **Cowan v. Prowse, 14 Law Rep., 273.**

natures of the number of votes given in the county for municipal officers, or upon questions submitted to the voters of such town or city, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said canvassing board to the canvassing board of the county, embracing a part of such town or city having the largest population, which last named board shall, between the hours of ten and twelve o'clock in the morning of the first Tuesday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes for offices of such town or city, one copy of the certificate to be retained in the clerk's office, another delivered to the clerk of the board of council of such town or city, and the other forwarded to the Secretary of State. The certificate of the votes on any question submitted to the voters of such town or city shall be delivered as provided by the law or ordinance under which the vote was taken. Such town or city shall pay the expenses of preparing the ballots for such municipal election.

ARTICLE III.

Elections, How Conducted.

§ 1446. **Secret ballot, except in school elections.** In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all or any State, district, county or municipal officers, except school trustees and other common school district elections, the voting shall be by secret official ballots, printed and distributed as hereinafter provided, and no other ballots shall be used. Con s 147

§ 1447. **Officers of election—appointment and qualification.** Each county court shall, annually, at the August term thereof, appoint in each election precinct two judges, one clerk and one sheriff of the election, to act as such in their precinct, all of whom shall be discreet qualified voters of the precinct for which they are appointed, and shall hold their offices until their successors are appointed and qualified; and so long as there are two distinct political parties in this Commonwealth, the judges, clerk and sheriff, in all elections by the people, under the Constitution G S c 33, s 1, a 3, and laws of the United States, and under the Constitution and laws of this State, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party, and the other judge of the other or opposing political party; and the like difference shall exist at each place of voting between the sheriff and clerk of elections: *Provided*, That there be a sufficient number of persons of each political party resident in the several precincts to fill said offices.

§ 1448. **Officers of election—qualification—removal by county court.** No person

§ 1447. **Usurping the office of judge** of an election is an indictable offense. *Wayman v. Com.*, 14 Bush, 466.

shall be eligible as an officer of election who has not been a resident householder in the precinct for which he is appointed for at least one year next preceding his appointment, or who has any thing of value bet or wagered on the result of such election, or who is a candidate to be voted for at such election, or who is not capable of reading the Constitution of the State of Kentucky in English, and of writing a plain and legible hand. It shall be the duty of the county judge to test all said officers as to their qualifications before appointment. If, at any time before an election, it shall be made to appear to the county court, by the affidavit of two or more qualified voters of the precinct, or other evidence, that either of the election officers is disqualified under the provisions of this section, said court shall at once remove such officer and fill the place with a qualified person of the same political party as the officer removed.

§ 1449. **Notice to election officers of appointment.** The county judge shall give due notice of said appointments to the sheriff of each county, who shall, at least ten days before the next ensuing election, give each judge, sheriff and clerk written notice of his appointment.

§ 1450. **Failure to appoint or non-attendance of officers—election by voters—oaths.** Should the court fail to appoint such officers of election, or either of said officers fail to attend for thirty minutes after the time for commencing the holding of the election, or refuse to act, the officers in attendance shall appoint a suitable person or persons to act in his or their stead for that election. If none of said officers shall appear as herein required, the qualified voters present shall elect the officers of election *viva voce*, as nearly as possible in conformity with the provisions of this article, who shall serve as such during that election. Each officer of election shall, before entering on the duties of his office, take an oath to faithfully discharge his duties as such officer before some justice of the peace, or other person authorized to administer an oath, or if no such officer be present, it may be administered by the clerk of the election, who, in turn, shall be sworn by one of the judges of the election.

§ 1451. **Vacancy in office of sheriff or disability—who to act.** If the office of sheriff is vacant, or if the sheriff, or his deputy, is a candidate at any election, all his duties pertaining to that election shall be performed by the coroner and such deputies as he may appoint for that purpose. If the coroner is absent, or his office vacant, or he is a candidate, then such duties of the sheriff shall be performed by some person appointed for that purpose by the presiding judge of the county court, and the deputies of such person.

§ 1452. **Ballots, printing and delivery—how paid for.** The printing and delivery of the ballots and cards of instruction to voters hereinafter described shall, in municipal elections, be paid for by the several cities

§ 1450. Where officers fail to attend the voters present may select officers to preside. *Trustee School District v. Garvey*, 80 Ky., 159.

respectively; and in all other elections the printing of the ballots and cards of instructions for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the several counties respectively.

§ 1453. **Ballots—how names of candidates placed on—device indicating party—powers and duties of county clerk.** The county clerk of each county shall cause to be printed on the respective ballots the names of the candidates nominated by the convention or primary elections of any party that cast two per cent. of the total vote of the State at the last preceding general election, as certified to said clerk by the presiding officer and secretary of such convention, or in case of primary election, by the chairman and secretary of any county or district committee; and also the names of any candidates for any office when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, one thousand petitioners; for a Representative in Congress from any Congressional District, four hundred petitioners; for a county officer, member of the General Assembly, circuit judge or Commonwealth's attorney, one hundred petitioners; for an officer of a precinct, ward or other division less than a county, twenty petitioners. The signatures to such petition need not be appended to one paper, but no petitioner shall be counted except his residence and post-office address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire and are legally qualified to vote for such candidate, and shall designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballots. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence, and the office for which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to administer oaths. If the certificate of nomination of any State convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State, such figure or device shall be so used until changed by request of a subsequent State convention of the same party. Such device may be any appropriate symbol, but the coat-of-arms or seal of the State or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device. A certificate of such acknowledgment shall be

appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county, city or district committee shall fill such vacancy. In case of a division in any party, and claim by two or more factions to the same party name, or title, or figure, or device, the clerk of the county court shall give the preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if the other faction shall present no other party name, title or device, such clerk shall select a name or title, and place the same before the list of candidates of said faction on the ballot, and select some suitable device to designate its candidates. If two or more conventions be called by authorities claimed to be the rightful authorities of any party, said clerk shall select some suitable devices to distinguish one faction from the other, and print the ballots accordingly: *Provided, however,* That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office, who shall be designated in their petitions as members of and candidates of such party, shall be printed under the device and title of such party on the ballots, as if nominated by convention. Certificates and petitions of nomination of candidates for offices to be voted for by the electors of the entire State shall be filed with the Secretary of State. Certificates and petitions of nomination of candidates for offices to be voted for by electors of any district or division of the State exclusively, shall be filed with the clerks of the county courts of the counties or county included in or including such district or division.

§ 1454. **Certificate and petition of nomination—candidate's name placed on ballot.** If any certificate or petition of nomination shall contain the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for such office. If any person shall join in nominating, by petition, more than one nominee for any office to be filled, such person shall not be counted as a petitioner for either nomination. If any person has been nominated as a candidate for any office by convention, and also as a candidate for the same office by petition, his name shall be placed on the ballot but once, to-wit: In the list of candidates nominated by such convention; and the place occupied by his name in such petition shall be left blank: *Provided,* That if such candidate shall, in writing, prior to the last day for filing nominations, request that his name be printed as nominated by petition, it shall be so printed, and shall be omitted from the list nominated by the convention.

§ 1455. **Certificates and petitions preserved.** The Secretary of State and county clerks shall cause to be preserved in their respective offices all certificates and petitions of nomination filed therein under the provisions of this act for six months after the election for which such nominations were made.

§ 1456. **Certificates and petitions to be filed before election.** Certificates and

petitions of nomination filed with the Secretary of State shall be filed not more than sixty days, and not less than thirty days, before the day fixed by law for the election of the persons in nomination. Certificates and petitions of nomination herein directed to be filed with the clerk of a county shall be filed not more than sixty and not less than fifteen days before election.

§ 1457. **Secretary of State to certify to county clerks' names of candidates.** Not less than twenty days before an election of the State to fill any public office, for which all the electors are entitled to vote, the Secretary of State shall certify to the county clerk of each county the name and place of residence of each person nominated for such office, as specified in the certificates and petitions of nomination filed with him, and shall designate therein the device under which the group, or list of candidates, of each party will be printed, and the order in which they will be arranged.

§ 1458. **Names certified—when not to be printed on ballots.** The Secretary of State shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing, signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record, that he will not accept the nomination contained in the certificate or petition of nomination. The county clerk shall not cause to be published on the regular ballots, according to section one thousand four hundred and sixty hereof, the name of any candidate whose certificate or petition of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed in the ballots as hereinafter provided.

§ 1459. **Public measures—how voted for.** Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated upon the ballot, and two spaces shall be left upon the right of the same, one for votes favoring the amendment, or public measure, to be designated by the word "Yes," and one for votes opposing the amendment or measure, to be designated by the word "No." The elector shall designate his vote by a cross-mark thus (X), placed opposite the word "Yes," or the word "No."

§ 1460. **Ballots—form and requisites of.** The county clerks of the several counties shall cause the names of all candidates of their respective jurisdictions, where nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, to be printed on one ballot, all nominations of any party or group of petitioners as designated by them in their certificate or petition, or if none be designated, under some suitable title and device. If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other. The arrangement of the ballot

of one of the covers of the book shall be printed the form hereinafter given for the election return. The main stub shall be printed as follows: Consecutive numbers, ————— (after these words the consecutive numbers shall be printed, beginning with one and increasing in regular numerical order); name of voter, ————— (after these words the clerk shall set down the voter's name). In all precincts where registration is required, in addition to the foregoing, there shall be printed on the main stub as follows: Residence, ————— (after this word the clerk is to set down the voter's residence or registered number).

§ 1462. **Ballots—how to be printed.** All ballots shall be printed on plain white paper, sufficiently thick that the printing can not be distinguished from the back. If upon any ticket there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left.

§ 1463. **Penalty for violations of law by printer of ballots.** If the printer of such ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots, by any person other than the county clerk for whom such ballots are being printed, or shall print or cause or permit to be printed any ballot in any other form than the one prescribed herein, or with any other names thereon, or with the names spelled or the names and devices thereon arranged in any other way than that authorized and directed by the said clerk, he shall be guilty of felony, and, on conviction thereof, shall be imprisoned in the State penitentiary not less than three nor more than ten years.

§ 1464. **Death, removal or withdrawal of candidate—how other name placed on ballot—pasters.** In case of the death, removal or resignation of any candidate after the printing of such ballots, and before such election, it shall be lawful for the chairman of the State, district or county political organization of which such candidate was a member to make a nomination to fill such vacancy, and to provide the election clerk of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such candidate, at least equal to the number of the ballots provided each precinct; but no pasters shall be given to, or received by, any one except such clerk, and it shall be the duty of said clerk to put one of such pasters, in a careful and proper manner, and in the proper place, on each ballot before he shall sign his name thereon.

§ 1465. **County clerks to supply ballots, stubs, stencils, and cards of instruction—penalty.** It shall be the duty of the county clerk in each county to cause to be printed, bound and ready for distribution not less than three days before an election, one book of stubs and ballots for each voting precinct in his county, and within such three days to distribute these books, together with all necessary black ink stencils, sample ballots and cards of instruction, as herein provided, among the clerks of such precincts. One of said ink stencils shall be safely placed in the booth, the others preserved by the clerk to be used in case any are lost, stolen or destroyed. Should any

person steal or willfully destroy either of said stencils he shall, upon conviction, be fined not more than fifty dollars, or confined in the county jail not more than six months, or both.

§ 1466. **Cards of instruction—duty of county clerk and attorney.** The county clerk and county attorney of each county shall cause to be printed in large type on cards, instructions for the guidance of electors in preparing their ballots. They shall furnish eight of such cards to each of the election clerks at the same time they deliver to him the ballots for his precinct. Each clerk shall cause to be posted one of each of said cards in each place or booth provided for the preparation of ballots, and not less than three of each of such cards and three sample ballots about the polling place, and not nearer thereto than fifty feet, at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done:

1. To obtain ballots for voting.
2. To prepare the ballots for voting.
3. To obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, and the method of obtaining assistance; also copies of section one thousand four hundred and eighty-two, and sections one thousand five hundred and sixty-six, one thousand five hundred and sixty-seven and one thousand five hundred and sixty-eight.

§ 1467. **Voting places—booths—duties of sheriff.** It shall be the duty of the sheriff in each county, before each election, to secure in each precinct of the county a suitable room in which to hold the election, and to have placed therein sufficient number of booths or compartments in which electors shall mark their ballots, screened from observation. The number of such booths shall not be less than one to every one hundred voters, and one for every fraction of one hundred voters exceeding fifty who voted at the last preceding election in such precinct. Each booth shall have three sides inclosed, one side in front to open and shut by a door, swinging outward, or to be closed with a curtain; and each booth shall be about six feet high and about three feet square, and shall contain a shelf at least one foot wide at a convenient height for writing, and the door or curtain shall extend to within two feet of the floor, which shall be closed while the voter is preparing his ballot, and such booths shall be well lighted. Booths shall be so arranged that all the officers of election can see whether more than one voter enters any of such booths at one time; and the sheriff of election, in each precinct, shall have the care and custody of said booths, and may direct in whose custody they shall remain after an election. No person, other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within said room while the vote is being polled, except by authority of the election officers to keep order and enforce the law. The expense of rooms and booths shall be paid in the same manner as other election expenses.

§ 1468. **Ballot boxes—character of—duties of sheriff.** It shall be the duty of the sheriff of each county, or the officer acting for him when, for any cause, the sheriff can not act, to provide for each precinct or voting place in the county, and at the expense of the county, to be paid out of the county funds upon order of the county court and allowed by the fiscal court, a strong and well-made ballot box, sufficiently large to contain all the ballots to be cast at the precinct or voting place to which it is sent; such box to have on it a lid, working on hinges, and provided with two locks of different kinds and combination, so that the key of the one will not unlock the other. An aperture, sufficient only for the insertion of a single ballot, shall be made in each box. Such box shall, not less than three days before the day for holding an election, be, by the sheriff or other officer acting for him, delivered to the officers of the election in each precinct or voting place. The officers of the election, before the voting begins, shall see that no ballots are in the box, and shall thereupon securely lock the box and give one key to each of the judges; and the box shall not be again opened until the polls are closed, and the officers are ready to immediately proceed with the counting.

§ 1469. **Hours of election.** The polls shall be opened at seven o'clock in the forenoon, and kept open continuously up to and closed at four o'clock in the afternoon of the same day; and before receiving the ballots of any elector, the officers of election shall cause to be proclaimed that such election is opened.

Con s 148, Con
1850, a 8, s 16

§ 1470. **Persons not voting to keep from polls—oath of challenger.** No person, other than the election officers, shall remain within fifty feet of the polls, except when voting: *Provided*, That each political party may appoint one challenger for each precinct, who shall be entitled to stay in the room or at the door thereof. Such challenger shall be appointed in writing by the chairman of the county or other local committee of their political party, and shall produce written appointments on demand of any of the officers of election. Each challenger shall take the following oath: "You do solemnly swear (or affirm) that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector, and that you will use no means to influence any voter, and that you will not disclose or communicate to any person how any elector has voted at such election."

§1469. **Hours of election.** Votes received after the hour for closing the polls can not be counted; and where one candidate had received a majority of the votes at the time when the polls should have been closed, and the officers of election permitted votes to be recorded for his opponent after that hour, thereby giving him a majority in a contest about the office, the candidate who

had majority when polls should have been closed was entitled to the office. *Varney v. Justice*, 86 Ky., 596: but votes received a few minutes after polls should have been closed will not be thrown out, unless there has been a palpable disregard of the law by the officers. *Cowan v. Prowse*, 14 Law Rep., 273; *Anderson v. Winfree*, 85 Ky., 597.

§ 1471. **Manner of voting—duties of officers—voting for person not on ballot.** Any person desiring to vote and legally entitled to vote at such election shall give his name and residence to the clerk holding the ballots, who shall write the same upon the main stub of the ticket in the blank places provided therefor. Such officer shall then mark upon the secondary stub the elector's registered number in all precincts in which a registration law is in force, and in all other precincts the elector's full name, and the stub-book for this purpose shall take the place of a poll-book. The clerk shall then detach the ballot, with the secondary stub attached, from the main stub, and write his own name on the back thereof, and hand it, thus indorsed, to the elector. The clerk shall give him one, and only one, ballot, and on request of voter shall give explanation of the manner of voting. On receipt of his ballot the elector shall forthwith, and without leaving the room, retire alone to one of the voting booths, as provided, and shall prepare his ballot by marking in the appropriate square a cross-mark (X) immediately following the name of the candidate of his choice for such office to be filled, and in case of a question submitted to the vote of the people, by marking in the appropriate square a cross-mark (X) against the answer which he desires to give. Should any elector desire to vote for each and every candidate of one party, he shall make a cross-mark (X) in the large square embracing the device and preceding the title under which the candidates of said party are printed, and the vote shall then be counted for all the candidates under that title: *Provided, however,* That if a cross-mark (X) be made in the large square including the device of such party, and a cross-mark be also marked in the square after the name of one or more candidates of a different party or parties, the vote shall be counted for the candidate so marked, and not for the candidates for the same office of the party so marked; but the vote shall be counted for the other candidates under such party name or designation. If the elector mark more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. Nothing in this law contained shall be so construed as to prevent a voter from voting for any qualified person other than those whose names are printed on the ballots for any office to be filled, by writing with black lead pencil, under the designation of the office, the name of such person and placing to the right of such name a (X) mark. All marking upon the ballots shall be made with black ink stencil. There shall be kept in each booth the necessary stencils and pencils, to be securely fastened by a string or cord of sufficient length to enable voters to use the same.

§ 1472. **Delivery of ballot by voter to judge—secondary stub retained.** Before leaving the voting booth the elector shall fold his ballot without displaying the marks thereon, except the indorsements and the *fac simile* of the signature of county clerk and the signature of election clerk must be dis-

closed. He shall deliver to one of the judges the ballot, who shall detach the secondary stub bearing the elector's registered number or name, and deposit the ballot in the ballot-box. The secondary stubs shall be preserved until the polls are closed, and shall then be destroyed before the ballot-box is opened. He shall mark and vote his ballot without undue delay, and shall leave said room as soon as he has voted. No such elector shall be allowed to occupy a voting booth already occupied by another, or to occupy a voting booth for more than three minutes, in case all such booths are in use and electors are waiting to occupy the same, or to speak to or to converse with any one, except as herein provided, while within such room. No elector, not an officer of elections, shall be allowed to re-enter said room during said election. No more electors shall be allowed to enter within said room at any one time than there are voting booths provided. It shall be the duty of the judges and sheriff of election to secure the observance of the provisions of this section.

§ 1473. **Ballot not voted to be returned — penalty for leaving room with ballot — defaced ballots.** Every elector who does not vote a ballot delivered to him by the clerk shall, before leaving the polling room, return such ballot to such clerk; and any voter who shall attempt to leave the room with a ballot in his possession shall at once be arrested on demand of either of the judges, and shall be fined therefor not less than twenty-five nor more than one hundred dollars. If any elector spoil or deface a ballot by mistake, so that it can not be used, he may return it, and receive in place thereof one other ballot; and the fact shall be noted by the clerk by writing the word "spoiled" on the stub and spoiled ballot. (*See further as to penalty, sec. 1566.*)

§ 1474. **Ballot shown not to be deposited — note on stub-book — folding ballot.** If any elector shall show his ballot, or any part thereof, to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot-box. A minute of such occurrence shall be made on the stub-book, and such persons shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the indorsements thereon, including the signature of the election clerk, the judges shall direct him to return to the booth and fold his ballot properly.

§ 1475. **Illiterate, blind and disabled persons — penalty for false declaration.** Any elector who declares, on oath, that, by reason of inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriff and challengers, and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross-mark, to indicate the choice of the elector. The clerk shall then fold and deliver the ballot to the elector, and instruct him to retire to the booth and there mark his ballot by making a cross-mark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind,

and shall so declare, on oath, the clerk shall be allowed to mark his ballot for him in the presence of the other officers of election, and the challengers allowed by law; or, in case any person shall be so physically disabled as to be unable to mark his ballot, and shall so declare, on oath, the clerk

shall have the right to mark his ballot as in the case of a blind person applying to vote. Any one making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding fifty dollars, and be disfranchised for a period of two years; and any clerk who shall willfully deceive any elector in marking any ballot, or willfully mark the same in any other way than as requested by said elector, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary for not less than two nor more than five years.

§ 1476. **Officer shall not deposit ballots—penalty for defacing or marking.** No judge or other officer of election shall deposit any ballot upon which the *fac simile* signature of the county clerk and the name of the election clerk, as hereinbefore provided, do not appear, or any ballot on which appears externally any distinguishing mark, defacement or mutilation. If any officer of election, or other person intrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and, on conviction, shall be imprisoned in the State penitentiary not more than ten nor less than five years, and fined in any sum not exceeding two thousand dollars. (See sec. 1573.)

§ 1477. **Challenges—how qualification of voter determined.** If a person offering to vote is not personally known to one of the judges or the sheriff as a qualified voter, he shall be interrogated, under oath administered by one of the judges or the clerk, as to his qualification. If, from his statement so made, he appears to be qualified, he shall be admitted to vote, unless his right is disputed by one of the judges, the sheriff, or one of the challengers. If so disputed, the judges shall hear witnesses, not exceeding two in number on each side, as to his qualifications, and decide as may appear right from the proof and the statements of the party. The word “sworn” shall be written on the stub-book under the name of every one so voting, which entry shall be *prima facie* evidence of such swearing in any prosecution under this law. Any voter of the precinct may send a written notification, over his own signature, of

§ 1477. **Liability of judge for refusing vote.** An action may be maintained against a judge of election for refusing to permit a qualified voter to vote, but to sustain action it is necessary that the judge should have knowingly acted wrongfully, and that his action should have been prompted by cor-

rupt motives. An honest mistake as to the voter's right of suffrage will not render him liable for refusing his vote. *Caulfield v. Bullock*, 18 B. M., 494; *Morgan v. Dudley*, 18 B. M., 693; *Chrisman v. Bruce*, 1 Duv., 63; *Miller v. Rucker*, 1 Bush, 135.

challenge to the right of any person or persons to vote, setting forth the reasons thereof to the judges of election, and such person or persons may be challenged as herein provided.

§ 1478. **Residence of voter—rules for determining.** The following rules shall be observed in determining the residence of a person offering G S c 33, s 3, s 8 to vote, so far as may be applicable:

1. That shall be deemed his residence where his habitation is, and to which, when absent, he has the intention of returning.

2. He shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making the county or precinct his home.

3. By removal to another State or county, with intention to make his permanent residence there, he loses his former residence.

4. So, also, he loses his residence here by removal to and residence in another State, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return here at some future period.

5. The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

§ 1479. **Citizenship—questions by judges.** If a person is objected to as not being a citizen, in addition to any questions the judges may think G S c 33, s 3, s 9 proper to ask, the following shall be put to him:

1. Have you resided in this State one year and in this county six months immediately preceding this election? And have you resided in this precinct sixty days next preceding this election?

2. Have you been absent from this State within the year immediately preceding this election? And if so, did you, while absent, consider this State as your home, or did you, while absent, vote in another State?

§ 1480. **Residence in county or precinct.** If the person is objected to as not a resident of the county or precinct in which he offers to vote, G S c 33, s 3, s 10 then, in like manner, the following questions shall be put to him:

1. When did you last come into county (or precinct)?

2. When you came into this county (or precinct), did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county (or precinct) for the purpose of voting in it?

§ 1481. **Representative of party may be present at count of votes.** The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present at, witness and inspect the counting of the vote in each precinct, who shall be admitted to said voting place; but no other person except the election officers shall be admitted to the said polling place before or after the count begins, except as provided by law.

§ 1482. **Counting votes—duty of officers.** When the polls are closed the officers of election shall, in the voting room, immediately count the votes, and certify the same as hereinafter provided; and no adjournment shall be had until the same is completed. When the result of the ballot is ascertained, it shall be immediately announced by one of the judges in front of the voting room, and thereupon the judges shall, in the presence of the clerk, sheriff and the inspectors provided for in the preceding section, destroy the ballots voted, mutilated or spoiled, and the ballots remaining unvoted: *Provided*, That if there are any ballots cast and counted, or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court, with the returns of the election, for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part, and for whom.

§ 1483. **Certificate of officers on stub-book — duplicates — duty of officers.** The form of the return to be made on the inside of the cover of the stub-book shall be substantially as follows: State of Kentucky, _____ county, election held on the _____ day of _____, eighteen_____, in _____ precinct. Number of ballots counted as valid, _____; number ^{G S c 33, a 3, s 5} of ballots questioned or rejected, _____; number of ballots marked “spoiled,” _____; whole number of ballots cast, _____; number of votes received for Governor, _____ by _____; number of votes received for Lieutenant-Governor, _____ by _____ (and so for other State and county offices); number of votes on question of _____, voted yes _____; voted no _____.

We, the judges, sheriff and clerk of election at the precinct above mentioned, certify that the above is a correct return of the election held therein on the day aforesaid.

_____, Judge.
 _____, Judge.
 _____, Clerk.
 _____, Sheriff.

Any witness to the count or inspector, as provided in section one thousand four hundred and eighty-one, may demand from the officers a duplicate, to be signed in like manner, and each judge shall retain another duplicate, which may be used as proof in case of loss or destruction of the original; and for this purpose each precinct clerk shall be furnished

§ 1483. (1) **Irregularity on part of officers.** It was held that the requirement of Chap. 33, Art. 3, Sec. 5, Gen. Stat., directing the clerk to sign his name at the foot of every page, was merely directory, and that the failure of the clerk to so sign his name to a page did not authorize its rejection. *Clark v. McKenzie*, 7 Bush, 523.

(2) Mere irregularity on the part of officers of election, or their omission to observe some directory provision of the law, will not vitiate the poll. *Anderson v. Winfree*, 85 Ky., 597; *Cowan v. Prowse*, 14 Law Rep., 273.

with a sufficient number of blank returns by the county clerk. When the foregoing requirements have been complied with, the judges shall deliver the stub-book containing the foregoing returns, together with the undestroyed ballots, inclosed in an envelope, to the sheriff of election before they separate.

§ 1484. **Sheriff to preserve order and act as umpire.** In addition to the other duties provided herein, it shall also be the duty of the sheriff of each precinct to preserve order at the polls, and enforce the ^{G S c 33, a 3,}_{a 5, 6} provisions of the election law, under the direction of the judges; and when the judges disagree, the sheriff shall act as umpire between them.

§ 1485. **Printing and distribution of law.** It shall be the duty of the Secretary of State, with the aid and advice of the Attorney-General, to cause twenty-thousand copies of this chapter to be printed immediately in pamphlet form, with all necessary forms and instructions, to assist election officers to carry it into effect, and to distribute through the county clerks of the several counties of the State.

ARTICLE IV.

Registration in Certain Cities and Towns.

§ 1486. **Cities and towns of first, second, third and fourth class.** In all cities and towns of the first, second, third and fourth class there shall be a registration of all the qualified voters of the respective cities and towns, which registration shall be held and conducted as herein provided.

§ 1487. **Officers of registration—term and oath of office—non-attendance or vacancy supplied.** The officers of election in the several election precincts of the respective cities and towns mentioned in the preceding section shall be the officers of registration in such precincts, and shall serve as such for one year from the time of their appointment as officers of election; and each officer of registration, before entering upon the discharge of his duties, shall take an oath, before some person duly authorized to administer same, to faithfully discharge the duties of his office. Should the county court fail to appoint such officers of election as provided in section one thousand four hundred and forty-seven, or should all the officers appointed in any precinct fail to attend at the place of registration for one hour after the time for commencing the registration, or refuse to act, then the county judge, sheriff or county clerk, or either of them that can be found, shall appoint officers to act in their stead for that registration; but should one or two officers be in attendance, he or they may fill vacancies for the purpose of conducting that registration, and may administer the necessary oaths of office.

§ 1488. **Officers to preserve order—challenges right to register.** Officers of registration shall have the same power to preserve order at the places of registration as is exercised by the officers of elections at the polls. If the officers of registration entertain any doubt as to whether or not any per-

son offering for registration is entitled to such registration, or if any one's right to register is challenged, citizens may be called in, not exceeding three in number, who shall be examined touching the qualifications of such person or persons who offer to register.

§ 1489. **Registration book—duties of county clerk.** It shall be the duty of the county clerk of each county containing any city or town of either of said classes mentioned in section one thousand four hundred and eighty-six to prepare the proper forms, and cause to be printed two registration books for each precinct in said city or town. In cities where additional days are required for registration, he shall prepare an additional registration book for each additional day, one of which shall be kept in his office, to be used as provided in section one thousand four hundred and ninety-four, and the other furnished to the clerks of registration and election before each registration or election day, as hereinafter provided. Said books shall be so arranged as that the names of voters may be registered alphabetically, and shall be ruled and headed as follows:

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NAME.	Residence	Number of Precinct	Number of Ward .	Color	November Election	Special Election . .	REMARKS.

§ 1490. **Time of registration—details—additional days.** The officers of registration shall attend at the voting places of their respective precincts on the first Tuesday in October in each year, from the hours of six in the morning until nine in the evening, and on such other days as the city councils of said cities may deem necessary and provide for by ordinance: *Provided, however,* That the last day of registration shall be fixed by said ordinance not later than the third Tuesday in October, and shall record in the registration book, which shall be furnished by the county clerk to each registration clerk, a list of such qualified voters of the precinct and ward as may apply for registration. Said list of voters shall be

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in alphabetical order [the number of the precinct and the number of the ward, if the city be warded off], the name of the street or alley, and number of house, lodging or tenement in which he lives, and whether he be white or colored; and if said house, lodging or tenement be not numbered, the location thereof shall be described in the

§ 1490. (1) **Registration.** Where a person is legally entitled to vote the fact that he obtained by fraud a certificate of registration will not authorize his vote to be stricken from the polls in an election contest. The penalty imposed for such an act is imprisonment, but not disfranchisement. *Cowan v.* Prowse, 14 Law Rep., 273; and see *Anderson v. Winfree*, 85 Ky., 597; *Com. v. McClelland*, 83 Ky., 686.

(2) The fact that a voter registers at the wrong voting place in his precinct will not disfranchise him if he votes at the proper place. 14 Law Rep., 273.

registration book as accurately as is practicable, giving the street, and between what streets. No person shall be registered who does not personally appear before the officers of registration; and if he be not personally known to one of the officers, or if any bystander shall demand it, he shall be sworn by one of the officers, and interrogated by him or by such bystander touching his qualifications as provided by law. Opposite the name of each person so sworn the clerk shall write the word "Sworn," which entry shall be *prima facie* evidence of such swearing in any prosecution under this law. Said registration in October shall be known as the general registration, and any person then registered may vote at all elections until the next general registration, unless he becomes disqualified after registering. Every person shall be entitled to be registered who would be entitled to vote at the next succeeding November election, as now provided by law.

§ 1491. **Additional registration—expense of.** Where any city shall provide for additional registration day or days, said city shall pay all expense of same, at the same rate as provided for herein by the county.

§ 1492. **Alien may register—rights after registration.** Any alien possessing all the qualifications of a voter named in section one thousand four hundred and thirty-nine of article one of this chapter, except citizenship, shall be entitled to be registered; but the clerk shall write opposite to his name, in the column headed "Remarks," the words "Not naturalized," and such alien will not be entitled to vote at any election held under that registration, unless he shall produce to the officers of election his naturalization papers in due form of law.

§ 1493. **Duties of respective officers.** In making the registration, the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinion between the judges, the clerk shall have the casting vote. It shall be the duty of the clerk to number, consecutively, the names recorded under each letter of the alphabet as they are taken down; and at the close of the registration each day he shall sign his name as clerk after the last name recorded under each letter, as aforesaid, in such manner as that no more names can be recorded above his, and shall foot up and certify, in the back of the registration book, the whole number of names recorded at that registration on said day, and this certificate shall be signed by all the officers of registration before leaving the place of registration, and in the presence of bystanders, any two of whom may, if they desire, sign their names as witnesses thereto. In addition to the requirements above, the clerk shall sign his name, as such clerk, at the foot of each page.

§ 1494. **Custody of registration books—copies.** On the day following the close of each registration day each clerk shall deliver the registration book into the hands of the clerk of the county court, or one of his deputies, and shall take his receipt therefore. It shall be the duty of such county clerk to keep said books safely in his office, and not to suffer the same to be

taken therefrom except as provided herein. When additional registration days are provided in any city, a new registration book shall be furnished by the county clerk for each and every day of such registration, and on return to him he shall copy the same in his blank book as soon as returned, marking distinctly each day's registration. He shall also cause to be made one copy of each registration book in the blank book retained by him, as provided in section one thousand four hundred and eighty-nine of this article, which shall be kept in his office, and not to be taken therefrom for any purpose. In case of loss of any registration book a copy shall be made by the county clerk from the copy retained in his office, which copy shall be used in registrations and elections with the same effect as the original. The clerk shall permit any citizen at any time to copy any registration book without fee or charge, and he shall also furnish copies at the same rate as provided in section one thousand five hundred and six for copying the book kept in his office. Copies furnished to citizens under this section shall be paid for in cash by the person ordering them.

§ 1495. **Special registration—election ordered.** When an election or vote is ordered to be held or taken in any county containing any city or town belonging to either of said classes, at any other time than the regular November election, then the county judge, or other officer so ordering said election or vote, shall, at the same time, fix a day for the registration of those persons entitled to vote thereat whose names have not been recorded on the registration books of that year, and shall require the same to be published in like manner as the time and place of said election or vote are required to be published. Registrations under this section shall be known as Special Registrations, and any person so registered shall be entitled to vote at all elections held prior to the next general registration. Registrations prior to special elections shall be held not less than five days prior to the election.

§ 1496. **Special registration—duty of clerk and officers.** On the day prior to each registration provided for in the previous section, the county clerk shall deliver to the registration clerks the registration books for their several precincts; and on the day of such registration, the registration officers shall attend at their several places of registration, and shall register the names of all persons appearing before them who may be entitled to vote at the election for which the registration is held, and whose names are not already on the registry for that year. The names shall be recorded immediately following the names recorded at the previous registration, and the registration shall be conducted and the books returned as provided in sections one thousand four hundred and ninety-three and one thousand four hundred and ninety-four of this article. Immediately after the books are so returned, the county clerk shall cause the names recorded at that registration to be copied into the book retained in his office, as provided in section one thousand four hundred and ninety-four herein.

§ 1497. **Removal from precinct—certificate and re-registration.** Any person removing from one precinct to another, after having been registered for that

year, may apply to the clerk of registration of the precinct from which he removes, on a registration day, and have his name canceled off by writing opposite to it the word "Removed," and thereupon said clerk shall give him a certificate in the following form :

This is to certify that _____ has removed from the _____ precinct, _____ ward, to the _____ precinct, _____ ward, and that his registration has been canceled.

(Signed)

_____, Clerk.

Upon presenting said certificate to the officers of registration of the precinct to which he has removed, he shall be entitled to be there registered if he possesses the other qualifications named in section one thousand four hundred and ninety of this article; and no person so removing, after being registered, shall be registered in another precinct without the production of such a certificate.

§ 1498. **Absence or sickness during time for registration—registration by affidavit.** Any person entitled to register who was necessarily absent from the city of his residence during the days allowed for registration herein, or who was ill during said time, or who was unable to attend the place of registration on account of sickness of some named member of his family, may have his name placed upon the registry for the precinct in which he lives, by attending the county clerk's office at the times specified in the next section, and making the affidavit before the clerk showing the facts required to be stated in the registry by section one thousand four hundred and eighty-nine herein, and showing the absence or sickness referred to above.

§ 1499. **County clerk to register persons—duties of clerk—challenges.** On Monday, Tuesday and Wednesday preceding the November election in each year such county clerk shall receive in a bound book, to be kept by him for that purpose, the affidavits provided in the preceding section, and shall place the names of persons making such affidavits upon the proper registration book, and shall write his name as clerk and date of registry, after the name of the person so registered, in the column headed "Remarks." Any person present in the county clerk's office may challenge the right of any voter to register under this section, and thereupon the county clerk shall examine such voter and any witness who may be offered, under oath, and shall hear and determine the question of his right to register. The duties herein imposed upon the county clerk may be performed by his deputy, and he or his deputy may administer oaths under this law.

§ 1500. **Penalty for false registration by clerk.** Any county clerk, or deputy thereof, who falsely or fraudulently registers the name of any person, knowing that such person is not entitled to be registered, or who registers a name at a time other than that provided in this article, shall, on indictment, be deemed guilty of a felony, and punished by confinement in the penitentiary not less than one nor more than five years.

§ 1501. **County court may strike name from register — notice — marking name "doubtful."** Any voter may, by giving five days' notice, in writing, to any person whose name has been registered, move the county court to strike

his name from the register, and both parties may introduce witnesses, not exceeding two in number, on each side. Said notice must be served personally. If, at the hearing, the court shall be of the opinion that the person registered is not lawfully entitled to register, it shall direct the clerk to strike his name from the register, by inserting opposite to it the words: "Stricken off by order of the county court." If the person upon whom notice is attempted to be served can not be found, the clerk shall write opposite such name, on the registration book, the word "doubtful," and when, at an election, such person, whose name is marked "doubtful," shall offer to vote, he shall be sworn, and his right to vote investigated fully.

§ 1502. **Delivery of registration and stub and ballot-books to election officers.** On the day previous to the November election in each year, and on the juridical day previous to every election to be held, or vote of the people to be taken, in any county containing a city or town belonging to either of said classes mentioned in section one thousand four hundred and eighty-six herein, the county clerk shall deliver to the clerks of election the registration books for their several precincts, together with the book of stubs and ballots, and furnish sample ballots and cards of instruction, all of which shall be produced by said clerks at their several precincts when the polls are opened on the day of the election. No vote shall be received by the officers of election in any city or town belonging to either of said classes, unless the name of the person offering to vote is on the registry herein provided. The officers of election shall, when a vote is cast, mark opposite to the name of the person voting, in the column of the registration book provided for that election, the word "Voted," and at the close of the election, and before closing or leaving the voting place, shall mark opposite the name of each person who has not voted at that election the words "Not voted." The registration book shall be returned to the county clerk by the clerk of the election the day next succeeding the election.

§ 1503. **Penalty for illegal or double registration.** Any person who shall cause himself to be registered in more than one election precinct [or give a false number of the ward of his residence], otherwise than is provided in section one thousand four hundred and ninety-seven of this article, or more than once in the same precinct, or who shall cause himself to be registered, knowing that he is not lawfully entitled to registration, and any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail not less than one nor more than twelve months.

§ 1504. **Penalty for altering, secreting or destroying registration book.** Any officer of registration, or other person, who shall unlawfully alter any registration book, or add any name thereto, or who shall willfully secrete, suppress or destroy any such book, or who shall make or aid in making any false or fraudulent registration book, shall be deemed guilty of felony, and shall be confined in the penitentiary not less than one nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

§ 1505. **Penalty for forcibly interfering with registration.** Any person who, by himself or in aid of others, shall forcibly break, or attempt to break, up a registration held as provided in this article, or shall forcibly prevent, or attempt to prevent, any person from approaching or entering a place of registration for the purpose of registering, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not less than six nor more than twelve months in the county jail, or both.

§ 1506. **Compensation of registration officers and county clerk.** Officers of registration shall receive two dollars per day for each day employed in attending at the place of registration. The county clerk, for his services under this article, shall receive the following fees, and no other: For copying the registry lists required to be kept in his office, or to be used in supplying lost books, the sum of two cents for each voter whose name is so copied; for his services under section one thousand five hundred and one, the sum of ten cents for the name of each voter stricken off the lists, and a like sum for each name registered by him under section one thousand four hundred and ninety-nine. All fees and expenses incurred under this article shall be paid as other election expenses.

ARTICLE V.

Canvassing Returns.

§ 1507. **Board for examining returns for county.** The judge of the county court, the clerk thereof, and the sheriff, or one of his deputies, if he can not act, shall constitute a board for examining returns of each county and giving certificates of election. Any two of them may constitute a board, but if either is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the before-named persons can not act, in whole or in part, in canvassing the returns, their places shall be supplied by the two justices of the peace who may reside nearest to the county seat.

§ 1507. (1) **Board for examining returns.** The State and not the county board must give the certificate of election to one who has been elected judge of the Louisville law and equity court, that being a "district office," although within the gift of the voters of a single county. *Toney v. Harris*, 85 Ky., 453.

(2) The statute contemplates that only one examining board shall be organized. If one of the persons named is not a candidate, the other two persons designated may act as members in conjunction with him, although one of them be a candidate; but where two of them are candidates, their places must be supplied in the manner pointed out in the statute. *Batman v. Megowan*, 1 Met., 533.

(3) If two of the officers who constitute the board have been candidates at the elec-

tion, their places on the board must be filled by the two justices residing nearest the court house; if only one of said officers has been a candidate at that election, the other two constitute the board as to him, but it is his duty to act in all cases except his own. In no case can one justice act on the board. *Cox v. Kash*, 1 Bush, 201; 14 Bush, 668.

(4) When two justices constitute part of the board, they are authorized to perform all the duties that would have devolved on it if composed of the county judge, clerk and sheriff. *Com. v. Hoke*, 14 Bush, 668.

(5) **Mandamus.** If the persons appointed by law to compare the polls refuse to do so, they may be compelled by mandamus to perform their duty, unless they are disqualified to act. *Batman v. Megowan*, 1 Met., 533; *Cox v. Kash*, 1 Bush, 201; *Clark v. McKenzie*, 7 Bush, 523.

§ 1508. **Returns to be deposited with county clerk—canvassing returns of election.** Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns of the different precincts. On the next day the board shall meet in the clerk's office, between ten and twelve o'clock in the morning, open and canvass the returns of such election, and give triplicate or more written certificates of election over their signatures of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the Secretary of State, at the seat of government. For offices not within such gift, they shall give duplicate or more written certificates over their signatures of the number of votes given in the county, city, town, district or precinct to each person voted for in said county, city, town, district or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll-books shall thereafter remain in the clerk's office as part of its records. So, also, shall the certificates of any precinct judges which may have been used in the absence of the poll-book of that precinct.

§ 1509. **District board—comparing certificates of county boards—certificates of election.** Where two or more counties vote together in the choice of a Representative or Senator, the canvassing board of election of the respec-

§ 1508. (1) **Duty and powers of board.** The duty of the board to examine the poll-books is merely ministerial; they have no right to pass upon the legality of votes cast, but are required to count the votes certified to them by the officers of election, and issue the certificate in accordance therewith. *Clark v. McKenzie*, 7 Bush, 523.

(2) The examining board is constituted for the mere purpose of comparing the polls and giving a certificate of election to the candidate receiving the largest number of votes according to the returns which have been made by the officers of election. It is not the duty of this board to pass upon the qualifications of the candidates. *Patterson v. Miller*, 2 Met., 493; *Leeman v. Hinton*, 1 Duv., 37; *Hoglan v. Carpenter*, 4 Bush, 89.

(3) **Impeachment of certificate.** In the case of an election to take the sense of the voters upon the question of imposing a tax, if the examining board, through fraud or mistake, make a false return, a court may correct it. *Riggs v. Stevens*, 92 Ky., 393.

(4) **Mandamus** will lie to require examining board to give certificate to person receiving the highest number of votes. *Howes v.*

Walker, 92 Ky., 258; *Clark v. McKenzie*, 7 Bush, 523.

(5) **Person entitled to certificate.** To entitle a person to a certificate of election it must appear that he received a majority of the votes cast for that office. It is not sufficient that he had no opposing candidate at close of polls. *Howes v. Walker*, 92 Ky., 258; and see *Varney v. Justice*, 86 Ky., 596.

(6) To entitle one to recover an office he must show his title to the office; he can not recover on the want of title in his opponent. *Howes v. Perry*, 92 Ky., 260; *Toney v. Harris*, 85 Ky., 453.

(7) One who has not received either a majority or plurality of the votes cast is not entitled to the office. Where the candidate who received the majority of the votes died before the polls closed, his opponent was not entitled to the office, because he did not receive a majority of the votes cast. *Howes v. Perry*, 92 Ky., 260.

(8) **Return of poll-books.** The requirement that the poll-books shall be returned within two days after the election means the two next days after the day of election. *Batman v. Megowan*, 1 Met., 533.

tive counties shall make duplicate written certificates over their signatures of the number of votes given in the counties for such Representative or Senator, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population, which last-named board shall, between ten and twelve o'clock in the morning of the [second] Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State at the seat of government. (See sec. 1513.)

G S c 33, a 5,
s 3
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§ 1510. **Certificate of election—form of.** The certificate of election of a county officer shall be, in substance, in the following form: Commonwealth of Kentucky, *Sct.*

G S c 33, a 5,
s 4

We, A, B and C, duly authorized to canvass the returns for the county of _____, do certify, that at an election held in said county on the _____ day of _____, E F was duly elected to fill the office of _____.

The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

§ 1511. **Certificate of election of State and district officers and election for public measures.** After an election for Governor, Lieutenant-Governor, or other officer elective by the votes of the whole State, or more than one county, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, representative in Congress, or electors of President and Vice-President, or for questions or constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county, immediately after the examination of such returns, to make out two or more certificates, in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices, and the number of votes for and against such questions or constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the Secretary of State at the seat of government.

G S c 33, a 5,
s 5

§ 1512. **State board—certificates of election—publication of result—tie vote—Congressman—Presidential electors.** The Governor, Attorney-General and Secretary of State, and, in the absence of either, the Auditor, or any two of them, shall be a board for examining the returns of election for any of the offices named in the last section.

G S c 33, a 5,
s 6

1. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make

out in the Secretary's office, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

2. In the case of the election of a representative in Congress, there shall be three certificates—one to be retained in the office, another sent by mail to the person elected, and the other sent by mail to the clerk of the House of Representatives, at the seat of the Federal Government.

3. It shall be the duty of the Secretary, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers.

4. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election can not be determined among the candidates by a plurality of votes, it shall be determined by lot, in such manner as the board may direct, and in the presence of not less than three other persons.

5. If one or more of the persons voted for as electors of President is elected, then he or they, when convened to vote for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates, so that the whole vote of the State may be given to the same person.

§ 1513. **District board—determination by lot in case of tie.** Where the canvassing board of two or more counties, on comparison of the returns, or the board of canvassers for a county, find that two or more persons have received the highest and an equal number of votes for the same office, they shall in like manner, by lot, determine which of the candidates is elected. (See sec. 1509.)

ARTICLE VI.

Time of Holding Elections.

§ 1514. **Presidential electors.** The election of electors of President and Vice-President shall be held on the Tuesday next after the first Monday in November, one thousand eight hundred and ninety-two, and on the same day in every fourth year thereafter; but the Governor may, by his proclamation, appoint the same day in any other year, pursuant to the act of Congress, for holding the election, in the event of a vacancy in the offices of President and Vice-President.

§ 1515. **Congressional.** The election of representatives in Congress shall be held on the Tuesday next after the first Monday in November, one thousand eight hundred and ninety-two, and on the same day in every second year thereafter.

§ 1516. **State officers.** The election for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney-General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Sta- Con s 148;
G S c 33, a 4,
s 3 tistics shall be held on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-five, and the same day every four years thereafter.

§ 1517. **Clerk of court of appeals.** At the annual election in the year one thousand eight hundred and ninety-seven there shall be elected by the qualified voters of the State a clerk of the court of appeals, who shall take his office the first Monday in September, one thou- Con s 148;
G S c 33, a 4,
s 3 sand eight hundred and ninety-eight, and shall hold his office until the regular election in one thousand nine hundred and three; and on the same day every four years thereafter an election shall be held for the clerk of the court of appeals.

§ 1518. **Circuit judge—Commonwealth's attorney—circuit court clerk.** At the general election in one thousand eight hundred and ninety-two there shall be elected in each circuit court district a judge thereof, and a Commonwealth's attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and Con s 148;
G S c 33, a 4,
s 3 shall hold their offices five years, and until their successors are elected and qualified. An election shall be held in each county, in each circuit court district, for a circuit court judge, Commonwealth's attorney and circuit court clerk, on the first Tuesday after the first Monday in November, in the year one thousand eight hundred and ninety-seven, and on the same day every six years thereafter.

§ 1519. **County officers—justices of peace—constables.** An election shall be held in each county on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-four, for judge of the county court, county court clerk, county attorney, sheriff, county superintendent of common schools, members of the fiscal court, jailer, coroner, surveyor and assessor, and in each justices' district for one justice of the peace and one constable, who shall hold their respective offices for the period of three years, and until the election and qualification of Con s 148;
G S c 33, a 4,
s 3 their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be held an election in each county for the officers herein mentioned. The first election for sheriff shall be held in each county at the regular election in one thousand eight hundred and ninety-two, and the sheriffs elected at this time shall hold their respective offices for the period of two years, and until the election and qualification of their respective successors.

§ 1520. **Officers not otherwise provided for.** The election of all other officers

§ 1520. **Time when election shall be held.** by law or by the officer empowered to do so. Toney v. Harris, 85 Ky., 453; and see To make an election legal there must be a time fixed for holding such election, either McGee v. Gill, 79 Ky., 106.

not otherwise provided for shall be held on the first Tuesday after the first Monday in November, and thereafter on the same day of each year as the terms of office regularly expire.

Con s 148 ;
G S c 33, a 4,
s 3

ARTICLE VII.

Vacancies—How Filled.

§ 1521. **Vacancy in office — meaning and application of term.** The term “vacancy in office,” or any equivalent phrase, as used in this article, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law. It applies whether the vacancy is occasioned by death, resignation, removal from the State, county or district, or otherwise.

G S c 33, a 6,
s 1

§ 1522. **Appointment or election—when filled by.** If the unexpired term will end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor. No person shall ever be appointed a member of the General Assembly.

Con s 152

§ 1523. **Writs of election—proclamation—publication—duty of sheriff and clerk.** A writ of election shall be signed by the officer or attested by the clerk of the court issuing the same, shall designate the day for holding the election, and be directed to the proper sheriff or sheriffs.

G S c 33, a 6,
s 2

1. When an election is to be held to fill a vacancy in any office by the voters of the whole State, or of a Congressional or judicial district, or other

§ 1521. **Vacancy.** As to filling vacancy in office of judge of law and equity court in Jefferson county prior to adoption of present Constitution, see 85 Ky., 453. Election to fill

vacancy in office of clerk of county court prior to present Constitution. *Loran v. Webb*, 82 Ky., 246.

district composed of more than one county, a proclamation, signed by the officer authorized to order the same, shall be used and stand in lieu of a writ of election.

2. Such proclamation, when for the whole State, shall be published, at least thirty days before the election, in two newspapers printed at the seat of government; and when for such district, at least twenty days before the election, in two newspapers printed in the district—if there are such papers printed at the seat of government or in the district. A copy of a proclamation for a district election shall also be forwarded by mail to the sheriff of each county in the district twenty days before the election.

3. Immediately on receipt of a writ of election or proclamation of election, or other sufficient information thereof, the sheriff shall give notice thereof by advertisements, posted at the court house door and the several places of voting, and published in some newspaper printed in the county, if any such there be.

4. No writ for the election of a county officer, a representative or senator, shall be issued, except so as to enable the sheriff to give such notice at least eight days before the election.

5. A writ of election from the county court shall be delivered to the sheriff by the clerk thereof immediately after it is ordered. Other writs of election or proclamations shall be forwarded by the officer issuing them to the sheriff by mail. If, from any cause, the sheriff can not properly act, he shall immediately hand the writ or proclamation to the person authorized to act in his place.

§ 1524. **General Assembly—who to issue writ.** When a vacancy happens in either branch of the General Assembly during its session, the presiding officer of the House in which the vacancy occurs shall G S c 33, s 6, 3 issue the writ of election; if the General Assembly is not in session, the writ shall be issued by the Governor.

§ 1525. **Governor—office of—who to issue writ.** When a vacancy happens in the office of Governor, requiring an election, the proclamation shall be issued by the Chief Justice; or if he is absent from the G S c 33, s 6, 4 State or unable to act, by one of the associate justices.

§ 1526. **County officers—who to issue writ.** A vacancy in the office of sheriff, coroner, surveyor, county court clerk, county attorney, jailer, county superintendent of common schools, county treasurer, constable, assessor, or members of the fiscal court shall be temporarily filled by the county court until the successor shall have been elected as G S c 33, s 6, 5 provided in section one thousand five hundred and twenty-two of this article, and shall have qualified. A writ of election to fill the vacancy shall be issued by the county judge; or, if he is absent from the county, by the county clerk; but if the vacancy be in his office, then by the circuit clerk, if the county judge is absent from the county.

§ 1527. **Justice of the peace—who to issue writ.** A vacancy in the office of justice of the peace shall be filled by the appointment of the county court

temporarily, until the successor shall have been elected, as provided in section one thousand five hundred and twenty-two of this article, and shall have qualified; and a writ of election shall be issued as provided in the preceding section.

§ 1528. Commonwealth's attorney and circuit clerk—who to issue writ. A vacancy in the office of Commonwealth's attorney or circuit court clerk shall, in like manner, be temporarily filled for the same time by the circuit judge of the district, who shall also issue the writ of proclamation for an election to fill the remaining vacancies.

§ 1529. County judge—vacancy filled by justices. When a vacancy shall occur in the office of a county judge, it shall be the duty of the clerk of the county court to issue a summons directed to the sheriff or any constable of the county, commanding him to summon the justices of the peace of said county to convene at the court house on a day to be named in the summons, which day shall not be less than ten nor more than twenty days after issuing of said summons; and a majority of the justices of said county being present, shall proceed to fill said vacancy until his successor shall have been elected as provided in section one thousand five hundred and twenty-two of this article, and shall have qualified. If a majority of the justices are not present on the day named in the summons, then those present shall adjourn from day to day until a majority can be had. A writ of election, as provided in section one thousand five hundred and twenty-three, shall be issued by the clerk of the county, directed to the sheriff of the county, who shall give notice, as provided in section one thousand five hundred and twenty-three, and hold an election at the next annual election.

1. The justices shall convene at ten o'clock in the morning of the day named, or as soon thereafter as may be, and at the same hour every succeeding day, Sunday excepted, until the vacancy is filled.

2. A majority of the justices shall be a quorum to fill the vacancy, and their written certificate thereof shall be handed to and preserved by the clerk of the court.

3. In case of a tie, after ten ballots, the sheriff shall give the casting vote.

§ 1530. Resignations—how and to whom tendered. All resignations of office shall be tendered to the court or officer who is required to fill the vacancy. All such resignations shall be in writing, and received and recorded by said court or officer. When it is required to be filled by the circuit judge he shall cause a record to be made of the resignation in the court of that county in which the officer lives; and when by the county court it shall cause a record of the fact to be made; and when by the Governor he shall cause the same to be recorded in the executive journal.

ARTICLE VIII.

Contested Election and Appeals from Decision of Board.

§ 1531. **Governor and Lieutenant-Governor—contesting board—how formed—proceedings.** When the election of a Governor or Lieutenant-Governor is contested, a board for determining the contest shall be ^{G 8 c 38, s 7,} ₁ formed in the following manner:

1. On the third day after the organization of the General Assembly, which meets next after the election, the Senate shall select, by lot, three of its members, and the House of Representatives shall select, by lot, eight of its members, and the eleven so selected shall constitute a board, seven of whom shall have power to act.

2. In making the selection by lot, the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up, so that the name thereon can not be seen, nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table, and, after it has been well shaken, and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by the presiding officer, and so on, until the required number is obtained. The persons whose names are so drawn shall be members of the board.

3. The members of the board so chosen by the two Houses shall be sworn by the Speaker of the House of Representatives to try the contested election, and give true judgment thereon, according to the evidence, unless dissolved before rendering judgment.

4. The board shall, within twenty-four hours after its election, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day as its business may require.

5. If any person so selected shall swear that he can not, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused by the House from which he was chosen from serving on the board; and if it appears that a

§ 1531. (1) **Contested election.** A contesting board can pass upon the legality of the votes received by the candidates and reject such as are not legal. *Clark v. McKenzie*, 7 Bush, 523; and can also inquire into and determine whether one elected to an office possess the necessary qualifications. *Atchinson v. Lucas*, 83 Ky., 451; and see *Com. v. Jones*, 10 Bush, 725.

(2) A defeated candidate may contest the election of his successful opponent upon the ground that he is ineligible. *Grinstead v. Scott*, 82 Ky., 88; *Stevens v. Wyatt*, 15 B. M., 542.

(3) When the statute has provided the

means of contesting elections, and there is no statute applicable to the particular election, the result as certified to by those holding the election is final. *Clark v. Rogers*, 81 Ky., 43; 80 Ky., 159.

(4) The action of the contesting board, within the limits of its jurisdiction, is final and conclusive on the courts as well as on other departments of the government, but when the courts are called upon to enforce the judgment of the board they have power to inquire into and determine its jurisdiction in the particular case. *Com. v. Jones*, 10 Bush, 725, 13 B. M., 515; 1 Met., 533.

person so selected is related to either party, or is liable to any other proper objection on the score of his partiality, he shall be so excused.

6. Any deficiency in the proper number so created shall be supplied by another draw from the box.

7. The board shall have power to send for persons, papers and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or clerk, and issue commissions for taking proof.

8. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board. Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election, as provided herein, shall be ordered to fill the vacancy, provided the first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office.

9. No decision shall be made but by the vote of six members. Its decision, when made, shall be final and conclusive. It shall be made out in triplicate, and signed by the members voting therefor. One copy shall be retained by the chairman or clerk, and one delivered to the presiding officer of each House.

10. If a new election is required, it shall be immediately ordered by the proclamation of the Speaker of the House of Representatives to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

11. When a new election is ordered, or the incumbent adjudged not to be entitled, his powers shall immediately cease, and if the office is not adjudged to another, it shall be deemed to be vacant.

12. If any member of the board willfully fails to attend its sessions, he shall be reported to the House to which he belongs, and thereupon such House shall, in its discretion, punish him by fine or imprisonment, or both.

13. If no decision of the board is given during the then session of the General Assembly, it shall be dissolved, unless, by joint resolution of the two Houses, it is empowered to continue longer.

§ 1532. **Member of General Assembly—contesting board.** When the election of a member of the General Assembly is contested, that branch thereof to which he belongs, within three days after its organization, shall in like manner select a board of not more than nine nor less than five ^{G S c 33, s 2, a 7,} of its members for determining the contest, which board shall be governed by the same rules, have the same power, and be subject to the same penalties, as would the board to determine the contested election of Governor, and shall report its decision to that branch of the General Assembly by which it was appointed for its further action.

§ 1533. **State board of contest—who compose.** The Governor, Attorney-General, Auditor, Treasurer and Secretary of State, or any three of them, shall be a board with like powers as those named in the last section for deter-

mining the contested election of any officer other than Governor or Lieutenant-Governor, elective by the voters of the whole State, or of a judge or clerk of the court of appeals, circuit judge or Commonwealth's attorney. G S c 33, s 7,
s 3

1. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence.

2. The board and its acts shall be governed by the rules named in section one thousand five hundred and thirty-one of this article, where the same are applicable to its duties.

3. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein, one copy to be retained in the secretary's office and the other delivered to the successful party, or sent to him by mail.

4. The Governor shall, immediately after such decision, issue the proper commission, or order a new election, as provided in section one thousand five hundred and twenty-three, as the case may require.

§ 1534. **County board of contest—who compose.** The judge of the county court, and two justices of the peace residing nearest to the court house in each county, shall be a board, with like powers as those G S c 33, s 7,
s 4 named in the last section, for determining the contested election of any officer elective by the voters of the county, or any district therein, except members of the General Assembly [and also of any police judge, clerk, marshal, or other elective municipal officer, where there is no other provision of law for determining the contested elec- Amd Feb 24, 94 tion of such municipal officers]. If any of said persons are absent from the county, or can not properly act, then said board shall be filled by adding thereto, first, the county court clerk, then the justice of the peace who resides next nearest to the court house, and so on, excluding such as can not properly act, till the board is full. If either party shall make affidavit and file the same with a county board, that such party verily believes that either or both of said justices will not give a fair and impartial trial, then the board shall be filled by other justices in lieu of those thus objected to.

1. The board shall be governed by the rules named in sections one thousand five hundred and thirty and one thousand five hundred and thirty-three, where the same are applicable to its duties.

2. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the court, another handed to the successful party, and the other, when necessary for obtaining a commission, forwarded by mail to the Secretary of State.

3. When the decision so requires, the court shall immediately issue a

§ 1534. **Decision of board.** The presumption will be indulged that the contesting board kept its minutes and rendered its

decision in the manner required by the statutes. *Grinstead v. Scott*, 82 Ky., 88.

writ for a new election, as provided in section one thousand five hundred and twenty-three.

§ 1535. **Notice of contest—proceedings—costs.** No application to contest the election of an officer shall be heard, unless notice thereof in writing, signed by the party contesting, is given.

1. The notice shall state the grounds of the contest, and none other shall afterward be heard as coming from such party; but the contestee may make defense without giving counter-notice.

2. In the case of an officer elective by the voters of the whole State, or any judicial district, the notice must be given within thirty days after the final action of the board of canvassers. In the case of a Senator or Representative, it must be given within fifteen days; and in that of any other office, within ten days after such action.

3. Immediately after such notice, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the State. The depositions shall be sealed up by the officer taking them, and directed to the board having power to decide the contest, or to the clerk of the Senate or clerk of the House of Representatives, as the case may require.

4. Such depositions properly taken shall be read as evidence before that branch of the General Assembly, or the board having jurisdiction of the case; but the former can, in its discretion, call for and hear other proof.

5. The taking of depositions to be used before the General Assembly, or either branch thereof, shall close ten days before the next meeting thereof, or, if in session when the notice is given, not until it is ordered to close; if before a county board, it shall close three days, and if before the other board, six days before the day of hearing.

6. The case shall be heard by a county board on the fourth Monday after the service of notice; and by the other board the eighth Monday after such service; but either may, for good cause, allow further time.

7. The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof given by the board, or by the clerk of either branch of the General Assembly, as the case may require. A judgment for the same may be obtained after five days' notice in a circuit or county court.

§ 1536. **Appeals to circuit and appellate courts.** Any person in interest feeling himself aggrieved by the decision of the board whose duty it is to decide contested elections under section fifteen hundred and

§ 1535. **Contest—notice of.** The notice to be sufficient, should point out the precise grounds of contest. *Grinstead v. Scott*, 82 Ky., 88; *Rainey v. Ratcliffe*, 81 Ky., 468; as to time within which notice of contest must be given see *Batman v. Megowan*, 1 Met., 533; and the contestant can only rely on the grounds stated in his original notice of contest. 14 Law Rep., 273.

§ 1536. (1) **Appeal from decision of board.** It is the duty of the board to file the original papers in the circuit court when an appeal is taken. *Grinstead v. Scott*, 82 Ky., 88.

(2) Either of the candidates for the office of justice of the peace may appeal from the decision of the contesting board which decided that the vote was a tie between

thirty-four shall have the right to appeal from the decision to the circuit court of the county in which said contestant resides, and from thence to the court of appeals, as in other cases.

§ 1537. **Papers to be filed—no oral evidence.** A copy of the decision and the original papers and depositions used in the contest shall be filed by the board in the circuit court. The proof must be taken in depositions, and no oral evidence shall be heard on the trial of the appeal. G S c 33, a 7, s 7

§ 1538. **Judgment—effects of.** On the production of a copy of the judgment of the circuit court, the successful party shall be permitted to qualify or be commissioned, or a writ of election shall be issued as provided in section one thousand five hundred and twenty-three, as the case may require. G S c 33, a 7, s 8

§ 1539. **Appeal bond.** The person appealing must execute bond, with surety, to pay cost and damages, as in other appeals to the circuit court. The appeal shall be placed on the equity docket and tried in equity as other actions. G S c 33, a 7, s 9

ARTICLE IX.

Pay of Officers of Elections.

§ 1540. **Cost allowed by fiscal court of county.** The cost of all elections held in any county shall be allowed by the fiscal court of such county, and paid by the county treasurer, except as otherwise provided by law. G S c 33, a 8, s 1

§ 1541. **Pay of officers of election.** Officers of elections shall receive pay as follows: Judges, two dollars each; sheriffs, two dollars each; clerks, two dollars each; in all elections to fill vacancies, the same fees. For delivering election returns, the sheriff shall also receive eight cents for each mile necessarily traveled from the place of voting to the place of delivery. G S c 33, a 8, s 2

§ 1542. **County clerk's fee for certificate—fees of witnesses and officers.** The clerk of the county court shall have twenty-five cents for each certificate of election or appointment of an officer, to be paid by the person receiving it. The compensation to witnesses and officers taking depositions, and their powers and duties, in cases of contested elections, shall be the same as in actions in equity. G S c 33, a 8, s 3, 4

them, and settled the same by lot, and the unsuccessful candidate is not estopped from asserting his right to appeal by having agreed to a settlement by lot. *Imboden v. Culley*, 14 Law Rep., 701.

(3) On the trial of the appeal only such depositions as were read before the contesting board can be heard by the circuit court, and the contestant can only rely on the grounds stated in his original notice of contest. *Cowan v. Prowse*, 14 Law Rep., 273.

(4) Appeal from the decision of the board stands for trial at the first term of the circuit court after the appeal is taken. Section 726 of Civil Code does not apply to such appeals. 14 Law Rep., 273.

(5) On mere questions of fact the judgment of the circuit court, especially when it agrees with the finding of the board, will not be disturbed by this court. 14 Law Rep., 273; and see *Anderson v. Winfree*, 85 Ky., 597.

ARTICLE X.

Electors of President.

§ 1543. **Meeting at Capitol—time of.** The electors of President and Vice-President of the United States shall convene in the Capitol, at the seat of government, at ten o'clock in the morning of the second Monday in January after their election, give their votes at or after twelve o'clock, and make return thereof according to law.

§ 1544. **Elector not attending—place filled.** If, from any cause, one or more of the electors elected fails to attend, as before directed, by twelve o'clock of that day, those in attendance shall fill the place of those absent by the election of another person or persons, who shall have the same powers as if originally elected by the people for that purpose.

§ 1545. **Compensation and mileage.** Each elector of President and Vice-President of the United States, for each day he attends at the seat of government as an elector, shall receive the same *per diem* and mileage as may at the time be allowed to a member of the General Assembly, to be paid as other claims upon the treasury. (*Compensation, see chap. 20, sec. 370.*)

ARTICLE XI.

United States Senator—how and when elected—when Governor may appoint.

§ 1546. **Election of senator by General Assembly.** The Legislature which shall be chosen next preceding the expiration of the time for which any senator was elected to represent this Commonwealth in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in Congress, in place of such senator going out of office, in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for senator in Congress from said State; and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered on the journal of each House by the clerk or secretary thereof; but if either House fail to give such majority to any person on said day, that fact shall be entered on the journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses shall convene in joint assembly, and the journal of each House shall be read; and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceeding as required by this section, the joint assembly shall then proceed to choose, by *viva voce* vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of said joint assembly, a majority of all

the members elected to each House being present and voting, shall be declared duly elected; and in case no person shall receive any such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote until a senator shall be elected.

§ 1547. **Vacancy—when filled by General Assembly.** Whenever, on the meeting of a Legislature of this State, a vacancy shall exist in the representation of said State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the com- GS c 33, s 2, a 9. mencement and organization of its session, to elect a person to fill such vacancy, in the manner herein provided for the election of a senator for the full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized, and shall have notice of the vacancy.

§ 1548. **Vacancy—when filled by appointment of Governor.** If a vacancy in the representation of this Commonwealth in the Senate of the United States shall, by resignation or otherwise, happen during the recess of the General Assembly, the Governor of the Commonwealth GS c 33, s 3, a 9. may fill such vacancy by the appointment of some person qualified and eligible to the office, who shall be the senator for the Commonwealth of Kentucky in the Congress of the United States until the General Assembly shall again meet and elect a senator to fill such vacancy.

§ 1549. **Certificate of election.** It shall be the duty of the Governor to certify the election of the person so chosen or appointed, under GS c 33, s 4, a 9. the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of State.

ARTICLE XII.

Primary Elections.

§ 1550. **Definition of primary election.** A primary election, within the meaning of this article, and as used in this chapter, is an election held within the State, county, city, district, or subdivision thereof, as the case may be, by the members of any political party, or by the voters of some political faith, for the purpose of nominating candidates for office.

§ 1551. **How election conducted.** All primary elections held in this Commonwealth by the various political parties shall be held and conducted in the same form and manner and under the same requirements as are or shall be provided by law for the holding of regular State elections, except in such particulars as are herein excepted.

§ 1552. **Offenses against—penalties.** Any act or deed denounced an offense by the general laws of the State concerning elections shall also be an offense in all primary elections, and shall be punished in the same form and manner as is provided for the punishment of similar offenses by the general laws; and all the penalties and provisions of the general laws shall apply in such cases with equal force, and shall be as effective as though fully set out in this article.

§ 1553. **How election ordered by committee.** Whenever it shall be desired by the committee or governing authority of any political party to hold a primary election under the provisions of this article, said committee or governing authority shall, at least forty days prior to such primary election, give public notice thereof, by posting such notice at the court house door and at least twenty other public places in the county or district. Such notice shall state the date of such proposed primary election, the hours between which it will be held, the offices for which candidates are to be nominated, and the places at which polls will be opened at such primary elections.

§ 1554. **Qualification of voters.** That all persons who are legal voters shall have the right to participate in such primary elections, subject to such additional political qualifications as may be prescribed by the committee.

§ 1555. **Party affiliation—provisions for registering.** In order that none but those affiliating with and being members of any political party shall participate in any primary election held by such political party, a system for the registration of such persons is hereby provided, and such registration shall be conducted in form and manner, as follows, to wit: In all cities and towns, of whatever class, in which a registration law is in force under the provisions of the general law governing regular State elections, there shall be set aside on the regular registration books used for the purpose of registering persons who are qualified to vote at the next regular State election, space for the registration of all persons who may desire to take part in any primary election held by any political party. Such space shall be provided on the regular State registration books, immediately following the last perpendicularly ruled column in such books, and shall be headed as follows: "Party Affiliation." It shall be the duty of the judges of such regular State registration to ask each person who applies to be registered the question, "What political party do you desire to affiliate with?" And the name of the political party given by such person so applying to be registered shall be recorded in the column provided on the books of registration for that purpose. In case any person applying to be registered does not desire to state his party affiliation, he shall not be required so to do, nor shall his failure so to do act as a bar to his registration for the purpose of voting at any election held under the provisions of the general election law. The committee or governing authority of any political party desiring to hold a primary election under the provisions hereof, or any person authorized by such committee or governing authority, shall have the right to copy into books provided by the committee or governing authority the names of all persons registered on the regular State registration books as affiliating with such political party, a book being provided for each precinct of the city or town in which it is proposed to hold such primary election; and the names of all persons registered in each precinct on the regular State registration book or books, shall be copied into the book or books provided by the committee or governing authority for such precinct, together with the residence of each

person so registered. In case the committee or governing authority of any political party, desiring to hold a primary election under the provisions hereof, should decide to hold such primary election previous to the time set for the registration of voters for that year, under the provisions of the general law, the party registration for the previous year shall govern at such primary election. Any person or persons who were necessarily absent from the city or town of their residence during the entire time of such regular State registration, or any person or persons who were too ill to attend such registration, or who were prevented therefrom by sickness or death or other calamity in their family, or any person or persons who moved into such city or town since the date of the last preceding registration, and who have resided continuously in the precinct in which they apply to vote for sixty days next preceding such election, shall be allowed an opportunity to register at the time and in the manner set forth herein, as follows, to wit: Any person who was prevented from registering at the regularly appointed time for any of the above-named causes, may apply at the polls of the precinct in which he resides at the primary election, and make affidavit before the officers of such primary election, who are hereby authorized to administer oath or affirmation thereto, and certify the same that he was prevented from registering at the regularly appointed time, and the cause for such failure shall be set forth in such affidavit. In all such cases the person so applying to the officers of the primary election for registration shall, in addition to his own affidavit, produce the affidavits of at least two well known and reputable residents of the precinct, setting forth reason or reasons for the failure of such person to attend the regular registration. In all cases where illness is given as the cause for failure to so register, the affidavit of some reputable physician setting forth the fact shall also be produced. The officers of such primary election shall then register the name of the person so applying in the registration book for the precinct on the page immediately following the last page containing the names of those regularly registered; and opposite each name so registered at such primary election shall be marked the words "Specially registered," and such person shall thereupon be allowed to vote. In case the name of any person who was registered at the regularly appointed time for registration, as affiliating with any political party, is from any cause omitted from the list of names copied from the regular registration books into the primary registration books, such person shall be allowed to vote upon producing a certificate from the custodian of the regular registration books setting forth the fact that the name of such person does appear upon such registration book.

§ 1556. **Registration books—penalty for mutilating, or adding, or erasing names.** Upon the completion of the copying of the names of all persons entitled to vote at any primary election from the regular State registration books into the primary election registration books, the person or persons copying such names shall sign his or their name or names to the primary election registration book or books immediately following the last name registered therein, and

anyone who shall thereafter add any name or names to the list of names contained in such book or books, or who shall erase therefrom any name or names, or who shall otherwise change or mutilate such book or books; shall be guilty of a misdemeanor, and shall, upon indictment and conviction in the circuit court, be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than sixty days nor more than one year.

§ 1557. **Registration book—person willfully miscopying—penalty.** The person or persons appointed by the committee or governing authority of any political party to copy the names of those persons entitled to vote at any primary election from the regular State registration books into the primary registration books shall, before entering upon the discharge of such duty, be sworn by some officer authorized by law to administer an oath, to faithfully and honestly discharge such duty, and any person so appointed by the committee or governing authority of any political party to copy such names who shall register any name or names in such primary registration book or books not registered in the regular State registration book or books, or who shall willfully refuse to copy any name or names entitled to be so copied from the regular State registration book or books into the primary registration book or books, shall be guilty of a misdemeanor, and shall, upon indictment and conviction in the circuit court, be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned in the county jail not less than sixty days nor more than one year.

§ 1558. **Registration books—delivery of.** The person or persons appointed by the committee or governing authority of any political party to copy the names of those persons entitled to vote at any primary election to be held by such political party from the State registration book or books into the primary registration book or books shall, upon the completion of that work, deliver to the duly authorized committee or governing authority under whose direction and control such copying was done, the book or books containing the names which were so copied, which book or books shall, previous to the day set for holding such primary election, be delivered by such committee or governing authority to the officers named, appointed and qualified to have charge of the primary election in the several precincts; and as each person shall apply to vote at such primary election, the officers thereof shall examine such registration book or books, and if they find thereon the name of the person applying to vote, and be satisfied that he is the person whose name is so registered, they shall enter the word "Voted" after his name, and he shall then be allowed to vote. No person whose name is not contained in such registration book or books, except those hereinbefore mentioned who were specially registered, shall be allowed to vote or participate in such primary election.

§ 1559. **Provision where no registration required.** In all counties, districts or precincts in which no registration is held under the provisions of general

law, all legal electors shall have the right to vote at any primary election held by any political party, if they conform to the conditions and qualifications prescribed by the committee or governing authority of the political party having direction and control of such primary, by applying at the polls of the precinct in which they reside, and making known the fact that they conform to such conditions and qualifications as have been so prescribed. In case the officers of such primary election be in doubt as to the right of any person to vote, such person shall be sworn by the judges of election, and if, after examination as to his right to vote, he be allowed to vote, the word "Sworn" shall be marked on the stub of the ballot containing such person's name. Any bystander may also challenge the right of any person to vote, and in all such cases, such person whose right to vote is so challenged, shall be sworn and examined as hereinbefore set forth.

§ 1560. **Election officers—appointment—oath—powers—duties and penalties.** The officers for each election precinct, in all primary elections held under the provisions hereof, shall be of the same number as is required and designated by law to hold regular State elections, and their duties and responsibilities shall be precisely the same as those of legally appointed and regularly qualified officers of regular State elections. They shall be appointed by the regularly organized and constituted committee or governing authority of the political party holding such primary election, and shall, before entering upon the discharge of their respective duties, take the same oath required to be taken by officers of regular State elections. The officers in each primary election precinct shall be selected from lists furnished by the various candidates, such lists to be furnished by the respective candidates to the committee or governing authority at least ten days before such primary election, and shall be as nearly equally divided as possible as to judges, clerks and sheriffs among the various candidates. The officers of all primary elections, held under the provisions hereof, shall have the same powers and privileges as officers of regular State elections, and shall be subject to the same restrictions, limitations and conditions. Any act or deed denounced by general law as an offense in the case of officers of regular State elections, is hereby declared to be an offense in the case of officers of such primary elections, and shall be punished in the same form and manner as is prescribed by general law. (*See sec. 1552; also sec. 1475, 1476.*)

§ 1561. **Candidate—how name to be submitted.** Any person desiring to submit his name to the voters in a primary election shall, not later than fifteen days next preceding the holding of such primary election, apprise the committee or governing authority of the political party holding such primary of the fact that he is a candidate, and, upon complying with the conditions prescribed by the committee or governing authority for the regulations of candidates, shall be declared to be a candidate by the committee or governing authority of such political party; and any person who has not given such notice to the committee or governing authority, or

who has not complied with the conditions prescribed by the committee or governing authority for the government of candidates, shall not have his name printed on the ballots used in such primary election; but any person desiring to vote for one other than the persons whose names are printed on such ballots shall have the right to do so by writing the name of the person for whom he desires to vote in the space on the ballot set apart for the names of the candidates for such office as he may desire such person so voted for to hold.

§ 1562. **Returns of election—alteration—penalty.** Within such time as is provided by law in the case of State elections, and in the same manner, the election returns of all primary elections shall be deposited with the committee or governing authority of the political party under whose direction and control such primary election was held, at such place as the committee or governing authority shall designate at which to receive such returns, and any person who shall change or in anywise alter such returns shall be punished in the same form and manner as is provided by general law for the punishment of any person who changes or in anywise alters the returns of a regular State election.

§ 1563. **Counting vote—oath and duty of committee—decision in case of tie—penalty.** The duly authorized and constituted committee or governing authority in the county or district in which a primary election may be held hereunder is hereby empowered to count the votes received by all candidates in such primary elections, and to declare the candidate or candidates, in cases where candidates for more than one office are to be nominated, receiving the highest number of votes the nominee of such political party for the office for which he was voted for at such primary election. In all cases of a tie vote or contest, the committee or governing authority of the political party holding such primary election shall have the power to hear and determine such contest, and decide who shall be entitled to the nomination. The proceedings in such cases shall be in such form and manner as the committee or governing authority shall determine upon. Before entering upon the discharge of the duties set forth in this article, the committee or governing authority shall be sworn by some officer authorized by law to administer an oath to faithfully and honestly discharge the duties herein imposed; and the failure upon the part of any member of the committee or governing authority to discharge such duties faithfully and honestly shall be deemed a misdemeanor, and the persons so offending shall, upon indictment and conviction in the circuit court of the county or district, be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than sixty days nor more than one year.

§ 1564. **Expenses of election—ballots printed by order of committee.** All expenses for holding such primary elections shall be borne and paid by the political party holding same, and the pay of officers, cost of publishing and circulating notices of elections, and all other expenses, shall be defrayed in such manner as may be provided for by the committee or governing

authority of the political party holding such primaries. The ballots used in such primary elections shall be printed by order of the committee or governing authority having direction and control of such primaries, under the same restrictions and limitations as is provided by general law for the printing of ballots used in regular State elections.

§ 1565. **General application.** The provisions of this article shall apply to all primary elections held for the purpose of nominating candidates for State, county, district or municipal offices hereafter held in this Commonwealth, except those held in the year one thousand eight hundred and ninety-two.

ARTICLE XIII.

Penalties against Frauds in Elections—Limitation to Prosecutions.

§ 1566. **Removing or having ballot outside election room—when a felony.** Any person who shall knowingly and willfully remove or attempt to remove a ballot from the election room, or have in his possession outside the election room any ballot, either genuine or counterfeit, during the election, shall be guilty of felony, and, on conviction, shall be imprisoned in the penitentiary not less than two nor more than five years. (*See sec. 1473.*)

§ 1567. **Wrongful removal or possession of ballot — penalties.** If any person shall take or remove in any manner, feloniously or with the consent or permission of the custodian for the time, any official ballot or ballots, from any place where they may lawfully be under this law, or shall knowingly and willfully have in his custody or possession such ballots, except as an official or custodian under the law, or while within the polling place for the purpose of voting; or if any such custodian or official shall consent to, or permit any of such ballots to be removed or carried away from the place where they may lawfully be, by any person except such official or custodian whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than three nor more than ten years.

§ 1568. **Removing or destroying booth or other convenience—or attempt.** Any person who shall, during the election, knowingly and willfully remove or destroy any of the supplies or other conveniences placed in the booths for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

§ 1569. **Electioneering—wrongful obtension, exhibition, marking or delivery of ballot.** No officer of election shall do any electioneering on election day, nor disclose at any time, to any person, the name of any candidate for whom any

elector has voted. No person whatever shall do any electioneering on election day within any polling place, or within fifty feet thereof. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any elector has prepared for voting, or solicit the elector to show the same. No voter shall deliver any ballot to the judges of the election to be voted, except the one he receives from the clerk. No voter shall place any mark upon his ballot, or suffer or permit any other person to do so, by which it may be afterward identified as the one voted by him. Whoever shall violate any provision of this section shall, on conviction, be fined not less than twenty (20) nor more than five hundred (500) dollars, or imprisoned not less than ten (10) days or more than six (6) months, or both so fined and imprisoned, at the discretion of the jury. (*See sec. 1476.*)

§ 1570. **Inducing another to mark ballot—felony—marked ballots not counted.** If any person shall induce, or attempt to induce, any elector to write, paste, or otherwise place on his ballot the name of any person or any sign or device of any kind, as a distinguishing mark by which to indicate to any other person how such elector has voted, such person so offending shall be guilty of felony, and, on conviction, be imprisoned in the penitentiary not less than two nor more than five years. Any ballot having any of the distinguishing marks mentioned in this section shall not be counted for any candidate voted for at that election.

§ 1571. **Person entitled to inspect ballot—revealing information—felony.** If any person, being an officer of election or otherwise entitled to the inspection of the ballots or challengers, shall reveal to any other person how any elector has voted, or what other candidates were voted for on any ballot bearing a name not printed thereon, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not less than two nor more than five years.

§ 1572. **Personating registered voter—penalties.** Any person who falsely personates a registered voter, in any precinct where registration is required, and receives a ballot under the provisions of section one thousand four hundred and seventy-one, by means of such personation, and casts said ballot, shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to imprisonment in the penitentiary for not less than one nor more than two years, and forfeits his right to vote forever after. The attempt at such personation shall be punished as a misdemeanor, with a fine of not exceeding two hundred dollars, and imprisonment not exceeding six months in the county jail.

§ 1573. **Destroying or obtaining ballot or box—or attempt.** Whoever unlawfully destroys, or attempts to destroy, any ballot-box used, any ballot deposited at any election, or whoever at any election unlawfully, either

by force, fraud or other improper means, obtains or attempts to obtain possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out and counted according to law, shall be punished by confinement in the penitentiary for not less than one nor more than five years, and be fined not less than fifty nor more than one thousand dollars.

§ 1574. **Right of employe—employer refusing leave.** Any person entitled to a vote at any election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of four hours, between the time of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however,* That application for such leave of absence shall be made prior to the day of election. The employer may specify Con s 148
Act 92 the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall discharge or threaten to discharge an employe for absenting himself for the purposes of said election from his work, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than fifty nor more than five hundred dollars.

§ 1575. **Selling or furnishing intoxicating liquors.** Whoever sells, loans, gives or furnishes to any person or persons, either directly or indirectly, spirituous, vinous or malt liquors, or any other intoxicating drink, in any precinct, town, city or county of this Commonwealth, upon the day of any general or primary election therein, shall be guilty Con s 154 of a misdemeanor, and, upon conviction thereof, shall be fined the sum of not less than twenty-five nor more than fifty dollars for each offense, which may be recovered by proceedings in any court of competent jurisdiction, or by indictment in the circuit court. It shall be the duty of the circuit judges throughout this Commonwealth to make special mention of this section in charge to the grand juries of said courts.

§ 1576. **Disobedience of election officer's commands.** Any person who shall willfully disobey any lawful command of any officer of an election held under this chapter, given in the execution of his or their duty as such at any such election, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five nor more than five hundred dollars.

§ 1577. **Officers violating duties.** Any public officer upon whom a duty is imposed under this chapter, and no penalty provided for the violation thereof, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this law, shall be punished by a fine of fifty dollars and imprisonment in the county jail for two months.

§ 1578. **Sheriff failing to perform duty.** Any sheriff who willfully fails to cause an election to be held as required by law shall be fined G S c 33, a 12, s 1 from one hundred to five hundred dollars. If he willfully fails to perform any other duty concerning an election, for which there is no penalty specifically prescribed, he shall be fined from twenty to two hundred dollars.

§ 1579. **Officer appointed failing to perform duty.** Any officer of election or of registration, in any precinct where registration is required, who, G S c 33, a 12, s 2 after due notice of his appointment, shall fail to perform his duty as such in holding any election or registration, unless for good cause, shall be fined from twenty-five to five hundred dollars.

§ 1580. **Officer of canvassing or contesting board—neglect or corrupt act.** Any officer who, without sufficient excuse, fails to discharge his duty after an election, as one of a board for canvassing the election returns, or to decide a contested election, shall be fined from one hundred to one G S c 33, a 12, s 3 thousand dollars, and imprisoned in the county jail not exceeding sixty days. Any officer who shall act corruptly or with partiality in the discharge of such duty shall be fined from one hundred to five hundred dollars, and shall also, in addition, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1581. **Altering, secreting, destroying poll-book, return or certificate.** Any officer or other person who shall willfully alter, obliterate, or willfully secrete, suppress or destroy the certified poll-book, return or certificate of an election, willfully and unlawfully alter the poll-book before it G S c 33, a 12, s 4, 5 is certified; or any officer who shall make, or aid in making, or authorize the making up of any false or fraudulent poll-book, or certificate of an election or election return, shall be deemed guilty of forgery, be confined in the penitentiary from one to five years, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1582. **Refusal to give certificate of election.** Any officer whose duty it is to give or aid in giving a certificate of election, or of the returns of an election, or to forward the same, who shall willfully refuse or G S c 33, a 12, s 6 fail to give the same, or to send the same to the Secretary of State, as required by law, shall be fined not more than a thousand dollars, forfeit any office he may then hold, and be disqualified from ever holding any office.

§ 1583. **Receiving or recording illegal vote.** Any officer of election who shall receive, or assent to receive, or record a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or

§ 1581. **False entry in poll-book.** Making up a fraudulent poll-book is a single offense, whether consisting of the false entry of one or more votes, or of votes for one or more candidates for office. *Com. v. Duff*, 87 Ky., 586; and see *Com. v. Eckert*, 14 Law Rep., 250.

§ 1583. **Liability of judge for refusing vote.**

To render a judge liable for refusing to permit a qualified voter to vote it must appear that the refusal was knowingly wrongful, and that the judge was prompted by impure and corrupt motives. *Caulfield v. Bullock*, 18 B. M., 494; *Morgan v. Dudley*, 18 B. M., 693; *Chrisman v. Bruce*, 1 Duv., 63; *Miller v. Rucker*, 1 Bush, 135.

who shall knowingly receive the vote of any other than a qualified voter, or so refuse to receive the vote of a qualified voter, shall, for every such offense, be fined from fifty to five hundred dollars, ^{G S c 33, a 12, s 8} forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1584. **Person not qualified voting.** Any resident of this State who shall vote at any election before he has resided one year in the State, or in the county and precinct where the election is held the ^{G S c 33, a 12, s 9} time required by law, or before he has attained full age, or before he has been duly naturalized, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both.

§ 1585. **Non-resident—repeating—false personation—felony.** Any resident of another State or country who shall vote at, or any person who shall vote more than once at an election, or knowingly vote, or offer to vote, in any precinct except the one in which he resides; any person who shall vote by means of a false personation, or use of the natur- ^{G S c 33, a 12, s 10} alization papers of another person, dead or living, and any person who shall lend or hire his or another's naturalization papers to be used for such purpose, shall be imprisoned in the penitentiary not less than one nor more than five years.

§ 1586. **Bribery—receiving bribe—what is bribery.** Any person guilty of receiving a bribe for his vote at an election, or for services or influence in procuring a vote or votes at an election, shall be ^{G S c 33, a 12, s 11} fined from fifty to five hundred dollars, and be excluded from office and suffrage.

1. "Bribe" or "bribery" means any reward, benefit or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the promise of such reward, benefit or advantage.

2. Money or other thing of value given or lent in whole or in part, to be betted on the result of election, or the promise thereof, or a bet with another that such other will vote for a named candidate, and the gift or promise of a share in any such bet made or to be made, shall be deemed a bribe.

3. Whoever shall receive money or other thing of value to be used for the purpose of procuring or influencing a vote or votes shall be deemed to have been bribed. (*See Constitution, sec. 151.*)

§ 1587. **Bribery—bribing another.** Whoever shall bribe another shall, on conviction, be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both so fined and impris- ^{G S c 33, a 12, s 12} oned, and be excluded from office and suffrage.

§ 1588. **Unlawful interference with election.** Any person who, by himself or

§ 1586. **Bribery.** As to sufficiency of indictment for, and what is necessary to constitute the offense, see *Johnson v. Com.*, 90 Ky., 53; *Cheek v. Com.*, 87 Ky., 42; *Com.*

v. Selby, 87 Ky., 594; *Curran v. Taylor*, 13 Law Rep., 750; *Com. v. Stephenson*, 3 Met., 226; *Hall v. Marshall*, 80 Ky., 552.

in aid of others, shall forcibly break up or prevent, or attempt to break up or prevent, the lawful holding of an election, or so obstruct or attempt to obstruct the same, or so prevent or attempt to prevent any qualified voter from giving his vote, shall be fined from fifty to five hundred dollars, or imprisoned not more than one year.

§ 1589. Making or procuring another to make false oath. Any person who shall make any willfully false statement, under an oath duly administered at an election, shall be confined in the penitentiary from one to five years. Any person who shall willfully procure another to make such false statement shall be confined in the penitentiary one year.

§ 1590. Counseling or procuring one to make false oath. Any person who shall counsel, advise or procure the commission, or aid in the commission, of either of the offenses named in this article, shall incur thereby the penalty therefor, as therein named.

§ 1591. Liberal construction of chapter—charge to grand jury. This chapter shall be liberally construed, so as to prevent any evasion of its prohibitions and penalties by shift or device. Irregularities or defects in the mode of convening or conducting an election under this law shall constitute no defense to a prosecution for a violation of its provisions. It shall also be given specially in charge to the grand jury of every county first convened after any general election.

§ 1592. Officers to give information—arrest—bail. It shall be the special duty of any officer of an election to give information of all infractions of this law to the grand jury or Commonwealth's attorney; and when there is reason to fear that an offender will make his escape out of the county before indictment, any such election officer may procure his immediate apprehension. The officer before whom such offender is brought, if satisfied of his guilt, shall require from him surety, in adequate penalty, for his appearance at the next circuit court, to answer the charge; and on his failure to give it, commit him to jail till such surety is given.

§ 1593. Witnesses before grand jury—refusal to testify. A grand jury may cause any person to be summoned before them as a witness, who shall be compelled to testify as to any knowledge he may possess touching any violation of law in relation to elections in the county during the preceding eighteen months; and if he refuses to testify on oath, he shall be committed to prison until he submits, and be fined from ten to thirty dollars by the court, and a like sum for each daily repetition of the contempt.

§ 1594. Self-criminating testimony—single witness insufficient. In any prosecution under this chapter, it shall be no exemption for a witness that his

§ 1589. False swearing. Where the oath was administered by the judge of an election who had not himself taken the prescribed oath he was not authorized to

administer an oath, and a person sworn by him can not be convicted of perjury. *Biggerstaff v. Com.*, 11 Bush, 169.

testimony may criminate himself; but no such testimony given by a witness shall be used against him in any prosecution, except for perjury; and if used on behalf of the Commonwealth, he shall stand discharged from all penalty for any violation of this chapter, so ^{G S c 33, a 12, s 19} necessarily disclosed in his testimony, as tending to convict the accused. But the jury shall never convict any one, under the provisions of this chapter, upon the testimony of a single witness, unless sustained by strong corroborating circumstances.

§ 1595. *Limitation—two years except in case of felony.* No prosecution shall be had under this chapter where the penalty is less than confinement in the penitentiary, unless the same is commenced ^{G S c 33, a 12, s 20} within two years from the time of the commission of the offense.

ARTICLE XIV.

Local Option.

§ 1596. *Time of holding elections on liquor questions.* All elections to take the sense of the people of any town, city, county, district or precinct as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated, shall be held as hereinbefore provided for the elections of county, town, city, district or precinct officers, except that a vote on such questions shall be held on a day other than the regular election day. All laws or parts of laws, general or special, now in force, inconsistent with this act, or any part of its provisions, are hereby repealed.

COMMONWEALTH OF KENTUCKY, } OFFICE OF SECRETARY OF STATE. }

I, JOHN W. HEADLEY, Secretary of State for the Commonwealth aforesaid, do hereby certify that the foregoing writing has been carefully compared by me with the election law as printed in the Kentucky Statutes, whereof it purports to be a copy, and that it is a true and exact copy of the same.

[SEAL]

IN TESTIMONY WHEREOF, I hereunto sign my name, and cause my Official Seal to be affixed. Done at Frankfort, this 1st day of September, A. D. 1894.

JOHN W. HEADLEY,
Secretary of State.

By EDW. O. LEIGH,
Assistant Secretary of State.